

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

APRIL 21, 2003

STATE HISTORICAL BUILDING
600 EAST GRAND AVE
DES MOINES, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Kathryn Murphy at 10:00 a.m. on Monday, April 21, 2003, in the State Historical Building, Des Moines, Iowa.

MEMBERS PRESENT

Lisa Davis Cook
Lori Glanzman
Darrell Hanson
Kathryn Murphy, Chair
Gary Priebe, Vice Chair
Kelly Tobin
Jerry Peckumn
Rita Venner, Secretary

MEMBERS ABSENT

Terrance Townsend unable to attend due to a conflict in his schedule.

ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Add: Move Item 15c Referral of Rouquette America to 10:15 a.m.
- Add: Appointment – Mona Bond with Agribusiness at 11:00 a.m.
- Add: Move Item 9 and 10 right after Item 15c at 10:15 a.m.

Motion was made by Lori Glanzman to approve the amended agenda. Seconded by Rita Venner. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

Rita Venner mentioned that on page 51, third paragraph down where Wayne Giseleman said filled that should say filed instead.

Motion was made by Rita Venner to approve the minutes as amended. Seconded by Kelly Tobin. Motion carried unanimously.

APPROVED AS AMENDED

DIRECTOR'S REPORT

Jeffrey Vonk updated the Commission on the activities regarding the Water Quality Summit. We have meet the core group of the representatives of Farm Bureau, ABI and the Environmental Council have meet with the Governor twice. All parties have reached an agreement that Water Quality is an important issue to the State. We have begun moving forward to make sure that the core group is expanded sufficiently to include all the necessary partners up front and identify different work groups for specific activities leading up to the summit, which will be held later this fall. Internally within the Department we have began work on our Nutrient budget process and have meet twice with the Iowa State University on methodologies and data sets. We will be having a more public broad involvement meeting. We are inviting up to 20-25 organizations that come and talk to us about methodologies and data sets and be sure that before we invest a whole lot more effort internally that we've got the right tools and information to develop these nutrient budgets for Iowa Watershed. Everything seems to be on track. I'm excited about the opportunity that the State has to improve strategy on water quality.

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| INFORMATIONAL ONLY |
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CONTRACT - MMS CONSULTANTS, INC. – WATER SUPPLY SECURITY, VULNERABILITY ASSESSMENT TECHNICAL ASSISTANCE

Wayne Gieseleman, Administrator of the Environmental Services Division presented the following item.

Commission approval is requested for a twelve month, \$46,000 contract with Ed Brinton of MMS Consultants, Inc. of Iowa City to provide technical assistance to municipal water utilities to identify and correct possible sources of vulnerability from terrorist threat.

Federal Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (PL107-188) requires public water supplies to conduct Vulnerability Assessment and Emergency Response Plans to address possible terror threats to our drinking water utilities. The DNR received a \$340,000 grant from EPA to provide technical assistance for water utilities as they seek to identify potential areas of vulnerability at their water facilities and to reduce the potential for terrorism opportunities.

To facilitate this assistance and to visit all municipal water utilities with populations above 3300 in a timely manner, we are proposing to contract through MMS Consultants with Mr. Ed Brinton to conduct visits with the larger municipal utilities for identification of areas of security weakness. His visits with the water utilities are intended to provide assistance in assuring that all water systems are aware of the Federal requirements, to provide clarification on those requirements and to assist in identification of security weaknesses and ways to improve security. Mr. Brinton will be working with both the water superintendent and the city councils or utility boards in efforts to identify cost effective security improvements that can be funded within the funding level capabilities of the particular system. Prior to Mr. Brinton's employment as a consulting engineer for MMS Consultants, he served for six years as the water superintendent and general manager of the Iowa City municipal water supply. He is widely respected within the

water industry and has an excellent relationship with his municipal water system peers throughout the State.

This contract will be funded with funds from the EPA Water Supply Security Grant.

Jim Stricker said that last year the Federal government passed the Legislation related to homeland security. Part of that legislation included providing additional security for our drinking water supplies. The two largest water supplies in Iowa received separate EPA grants. After receiving the Federal grant as a part of that grant, we're proposing that the contract with MMS Consultants out of Iowa City to assist us in compacting larger water supplies to provide tank well assistance and information.

Motion was made by Darrell Hanson to approve the contract as presented. Seconded by Jerry Peckumn. Motion carried unanimously.

APPROVED AS PRESENTED

REFERRAL TO THE ATTORNEY GENERAL

Kathryn Murphy mentioned that we will now look at Item 15 C. The referral of Rouquette America, Inc.

Mike Murphy reviewed the alleged air quality-related violations by Rouquette America, Inc., a company located in Keokuk. Violations related to the company's use of a fuel mixture of 95% coal and 5% petroleum coke from April 2000 through June 2002. The department asserts that this was a major modification, resulting in a substantial increase in air contaminant emissions, thus requiring "PSD" and "new source" permit reviews. Other violations related to failure to perform testing or demonstrate compliance with emission standards in a timely manner, and failure to obtain construction permits for air emission sources or control equipment. Many of the violations were uncovered through staff review of the company's Title V permit application, in which Rouquette reported some of the violations. The violations relating to the use of petroleum coke were discovered through an investigation of a complaint. These matters have been in the process of being addressed for some time, and many of the compliance issues have either been corrected already or are on a schedule of correction through a recently entered Consent Administrative Order. Referral to the Attorney General is needed in order to assess appropriate civil penalties for the serious violations that occurred in the past.

John Fratus with Rouquette America, Inc. passed out some information pertaining to his presentation. Rouquette America is a family owned facility that produces starches, syrups, and corn by products. Rouquette has been sole owner since 1991 when it was purchased from the Heinz company. There are about 350 employees employed by Rouquette America in South Eastern Iowa. There are a number of issues mentioned in the litigation report by the Iowa DNR. Rouquette has been working aggressively with the DNR to resolve these issues. Roquette has worked with the DNR to discuss the process of applications for sophisticated pollution control devices and upgrades to the company's boilers. I do not believe this is an appropriate forum to

address the claim that the Iowa DNR has against Rouquette. I simply want to state? that some of the claims a have rational basis for suggesting that Rouquette has not violated certain Iowa Pollution Regulations identified in the litigation report.

Kelly Tobin asked Mr. Fratus to explain the boiler problem.

John Fratus said that it was the company's interpretation at the time that a fuel blend of 95% coal and 5% petroleum that was first applied back in 2000 that there was no special permit needed.

Kelly Tobin asked if they were required to replace the boilers? Or if they are going to wait until 2007?

John Fratus said they planned to retrofit the boilers, but if they choose to replace the boilers instead of retrofitting them, then they have to tell DNR within a specified period of time and talk to them about their options.

Darrell Hanson asked if some of the violations were self-reported by Rouquette or all of them were self-reported?

John Fratus said only some are self reported.

Lisa Davis Cook asked if their contention is that by entering into the consent order with the DNR, the company shouldn't have any penalties or are they arguing that they shouldn't be referred to the Attorney General for penalties.

John Fratus said that they are not arguing either at this point. They wanted to come to state that they recognize their environmental responsibilities and that they do believe that they can reach a good consent order and reconcile the differences.

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| <i>Motion was made by Rita Venner not to refer Rouquette America to the Attorney General. Seconded by Gary Priebe.</i> |
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Rita Venner said that she feels Rouquette America is sincerely working with the DNR to correct their violations. If we give them a chance I think they will do it. I admire the cooperation. We can refer them later down the road if they do not change.

Kathryn Murphy asked Mike Murphy for his comment on the timing of this at this point in time.

Mike Murphy said that according to the report some of the violations are very old already. We are not alleging that they haven't been cooperative. The purpose of the referral is to address the major violations that have already occurred. This is a large company with substantial resources.

Darrel Hanson said that commends Rouquette for working cooperatively with the Department. But he feels that the length of time that some of these situations went on still justifies some pursuit of punitive measures. I vote to refer them at this point.

Kelly Tobin asked if they do go back to 1991 and 1992?

Mike Murphy said yes. We have learned of these things through the Title V permit. On some violations they did not self report. We learned of some of the violations through our review of the permit, and some through the complaint investigation.

Anne Prevoisi, DNR staff attorney elaborated on the alleged violations and the dealings with the company.

Lisa Davis Cook asked if this referral is more due to the fact that the civil penalties are higher than what the DNR is able to assess administratively?

Mike Murphy said yes.

Kathryn Murphy asked for the vote. The motion is to not refer Rouquette America. Nay would mean you are not in favor of the motion to not refer Rouquette and aye would mean you are in favor of the motion to not refer Rouquette America.

The roll call vote went as follows: Jerry Peckumn – Nay; Lisa Davis-Cook – Nay; Lori Glanzman – Nay; Darrell Hanson – Nay; Gary Priebe – Nay; Kelly Tobin – Nay; Terry Townsend – Absent; Rita Venner – Aye; Kathryn Murphy – Nay. Motion failed.

Motion was made by Darrell Hanson to refer Rouquette America to the Attorney General. Seconded by Lisa Davis Cook. The roll call vote went as follows: Lisa Davis-Cook – Aye; Lori Glanzman – Aye; Darrell Hanson – Aye; Gary Priebe – Aye; Kelly Tobin – Aye; Terry Townsend – Absent; Rita Venner – Nay; Jerry Peckumn – Aye; Kathryn Murphy – Aye. Motion carried.

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|-----------------|
| REFERRED |
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FINAL RULE: CHAPTER 28 “AMBIENT AIR QUALITY STANDARDS” (ADDITION OF IOWA AMBIENT AIR QUALITY STANDARDS)

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Commission will be asked to approve amendments to 567 Iowa Administrative Code Chapter 28, “Ambient Air Quality Standards.”

In February 2002, in response to a request by Governor Tom Vilsack, Iowa State University and the University of Iowa Study Group issued a report, the Iowa Concentrated Animal Feeding Operations Air Quality Study, recommending that health standards for hydrogen sulfide and ammonia be established to protect the health of rural Iowans. In the final days of the 2002 legislature, Senate File 2293 was passed that created new Iowa Code section 459.207. This section provides additional instructions to the department regarding the implementation of air quality standards related to animal feeding operations.

This rulemaking establishes ambient air quality standards for hydrogen sulfide and ammonia to protect the health of all Iowans. These standards are based on the recommendations in the Iowa Concentrated

Animal Feeding Operations Air Quality Study. These ambient air quality standards are applicable off the property of any source, not just an animal feeding operation.

The Environmental Protection Commission has statutory authority to establish ambient air quality standards and emissions standards on the basis of providing air quality protection necessary to safeguard the public health and welfare pursuant to Iowa Code 455B.133(3).

Public hearings on the standards were held in Spencer, Mason City, Atlantic, Davenport, and Des Moines. Responses to the oral and written comments received at these hearings and written comments received during the public comment period are provided in the attached responsiveness summary.

In response to public comment, the department has made the following additional modifications to the draft rule presented in the Notice of Intended Action to obtain the current form of the rule:

- Removed the definition of “community-oriented monitoring site.”
- Formulated the standards as a three-year average of the annual eighth-highest daily maximum hourly average concentration.
- Established an earliest implementation date (instead of enforcement date) of December 1, 2004 consistent with the restrictions of Iowa Code section 459.207.
- Changed the units of the standards from parts per million (ppm) to parts per billion (ppb).

FINAL RULE: CHAPTER 28 “AMBIENT AIR QUALITY STANDARDS” (ADDITION OF IOWA AMBIENT AIR SAMPLING MANUAL)

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Commission will be asked to approve the proposed amendments to the 567 Iowa Administrative Code Chapter 28 “Ambient Air Quality Standards”.

In February 2002, in response to a request by Governor Tom Vilsack, Iowa State University and the University of Iowa Study Group issued a report, the Iowa Concentrated Animal Feeding Operations Air Quality Study, recommending that health standards for hydrogen sulfide and ammonia be established to protect the health of rural Iowans. In the final days of the 2002 legislature, Senate File 2293 was passed that created new Iowa Code section 459.207. This section provides additional instructions to the department regarding the implementation of air quality standards related to animal feeding operations.

A Technical Advisory Group (TAG) consisting of stakeholders and experts in the field of ambient air monitoring was formed to assist with determining monitoring instrumentation and methodology for the confined animal feeding operations (CAFO) comprehensive field study mandated in Iowa Code section 459.207. The group meetings provided attendees a chance to offer recommendations and to suggest alternative methods or approaches to the department. TAG meetings were held on June 11, 2002 and June 25, 2002 at the Air Quality Bureau. There was consensus among the TAG members that the measurement methods for hydrogen sulfide and ammonia proposed by the department, which are the basis for compliance monitoring in other agricultural states, represent the best monitoring methods currently available to implement an ambient air standard for these pollutants.

This rulemaking establishes an Iowa Ambient Air Sampling Manual that will be incorporated by reference in Chapter 28 of Iowa Administrative Code [567]. This manual contains monitor siting

requirements, data handling procedures, approved monitoring methods and equipment, quality assurance requirements, and requirements for public availability of data required to implement new Iowa Ambient Air Quality standards for hydrogen sulfide and ammonia. The manual will not be published in the Iowa Administrative Code, but will be available from the department upon request.

The Environmental Protection Commission has statutory authority to establish ambient air quality standards on the basis of providing air quality necessary to protect the public health and welfare pursuant to Iowa Code section 455B.133(3).

Public hearings on the manual were held in Spencer, Mason City, Atlantic, Davenport and Des Moines. Responses to the oral and written comments received at these hearings and written comments received during the public comment period are provided in the attached responsiveness summary.

In response to public comment, the department has made the following modifications to the draft sampling manual presented in the Notice of Intended Action to obtain the current form of the sampling manual:

- Added the common molecular abbreviations NH_3 (ammonia) and H_2S (hydrogen sulfide).
- Reworded the “Flow Obstructions” paragraph.
- Added a requirement that monitors be sited at a specified minimum distance away from roadways.
- Added a section defining the level of the standards.
- Reworded the “Computation of a Daily Maximum One-hour Average” paragraph.
- Added a section “Computation of the Three-year Average” and deleted the section “Rounding Conventions”.
- Removed the section “Relationship between Exceedances and a Violation”.
- Removed the requirement that compliance measurements must be performed at a “community-oriented monitoring site”.
- Deleted the “Data Capture Requirements” paragraph and replaced it with an expanded “Data Completeness Requirements” section.
- Added a provision to allow additional monitoring methods for hydrogen sulfide and ammonia to be used for determining attainment with ambient standards for hydrogen sulfide and ammonia, if approved by the Director or the Director’s designee.
- Added a provision that requires that the precision and accuracy of the ammonia and hydrogen sulfide monitoring network be assessed using procedures similar to those established by the United States Environmental Protection Agency (EPA) for federally regulated pollutants.
- Added a provision that provides for the public availability of monitoring data.

Jim McGraw presented the two above Air Quality Standards to the Commission.

For the first time in state history, state-only (Iowa) ambient air quality standards are being proposed in order to protect the public health and welfare. Based on recommendations in the Iowa Concentrated Animal Feeding Operations Air Quality Study, the department has proposed ambient air quality standards for hydrogen sulfide and ammonia. These ambient air quality standards are applicable off the property of any source.

The Environmental Protection Commission has statutory authority to establish ambient air quality standards on the basis of providing air quality protection necessary to safeguard the public health and welfare pursuant to Iowa Code section 455B.133(3).

Ambient air quality monitoring of animal feeding operations at locations other than the separated location is solely intended to determine the ambient concentration of ammonia and hydrogen sulfide and is not intended for enforcement purposes. Enforcement related to the ambient air quality standards will be in accordance with the Iowa Code.

Review of History and Development of the Air Quality Standards

- **January 16, 2001.** Iowa Citizens for Community Improvement (Iowa CCI) filed a petition for rulemaking before the Iowa Environmental Protection Commission. The petition requested that the department adopt specific fence line and ambient air quality standards for hydrogen sulfide, ammonia and odor applicable to confined animal feeding operations.
- **February 2002.** In response to a request by Governor Tom Vilsack, Iowa State University and the University of Iowa Study Group issued a report, the Iowa Concentrated Animal Feeding Operations Air Quality Study (University Study), recommending that health standards for hydrogen sulfide and ammonia be established to protect the health of rural Iowans. (See Appendix A for specific language.)
- **March 2002.** The department prepared a draft rulemaking to be incorporated in a Notice of Intended Action (NOIA) at the April Environmental Protection Commission (EPC) meeting. The draft rule proposed ambient air quality standards for ammonia and hydrogen sulfide at the levels recommended in the University Study.
- Senate File (SF) 2293, a bill relating to animal agriculture regulation, including the development of comprehensive plans and programs for air quality, was under negotiation in the Iowa legislature.
- **April 29, 2002.** SF 2293 was signed into law. The law instructs the department to conduct a comprehensive field study to measure ambient concentrations of hydrogen sulfide, ammonia and odors near confined animal feeding operations (CAFOs). SF 2293 specifies that the department may develop plans or programs to control air pollution near CAFO's if pollution levels at "separated locations" exceed levels known to cause health problems. Section 23 of Senate File 2293, "Development of Comprehensive Plans and Programs for Air Quality" is now located in Iowa Code section 459.207 (see Appendix B for specific language.)
- **June 11, 2002.** The Technical Advisory Group on CAFO Air Monitoring held its first meeting. These meetings were held to assist the department in determining the best available ambient air monitoring methods for implementation of the hydrogen sulfide and ammonia standards, including the siting of ambient air monitoring stations. Discussions centered on equipment accuracy and monitor portability during the study.
- **June 25, 2002.** The Technical Advisory Group held its second meeting to provide additional recommendations on ambient air monitoring methodologies, particularly odor measurement, for the comprehensive field study and the proposed standards. The group also provided

recommendations on siting locations and strategies for placement of monitors for the study at each type of confinement feeding operation structure as defined in SF 2293.

- **July 22, 2002.** EPC approved the Notice of Intended Action for the ambient air quality standards. The rule recommended adoption of the following ambient air quality standards as recommended in the University Study:

| Pollutant | Standards | Averaging Time | Not to be exceeded |
|------------------|-----------|----------------|----------------------------|
| Hydrogen Sulfide | 0.015 ppm | 1 hour | more than 7 times per year |
| Ammonia | 0.150 ppm | 1 hour | more than 7 times per year |

- DNR presented to the EPC the draft ambient air sampling manual for information. This manual contained monitor siting requirements, data handling procedures, approved monitoring methods and equipment, and quality assurance requirements for determining compliance with the proposed hydrogen sulfide and ammonia standards. The methodology and monitoring equipment found in the manual are based on the recommendations of the Technical Advisory Group.
- The EPC denied the petition for rulemaking put forward by Iowa CCI in January of 2001.
- **August 19, 2002.** The EPC approved the Notice of Intended Action for the ambient air sampling manual presented the previous month.
- **August 21, 2002.** NOIA was published in the Iowa Administrative Bulletin Notice for the ambient air quality standards. The public comment period would run through October 4, 2002. An informational meeting and four public hearings were held from mid September through early October.
- **September 10, 2002.** Administrative Rules Review Committee reviewed the Notice of Intended Action on the proposed ambient air quality standards.
- **September 18, 2002.** NOIA published in the Iowa Administrative Bulletin Notice for the ambient air sampling manual. The public comment period would run through November 1, 2002. Four public hearings are held during October.
- **October 2, 2002.** Amended Notice of Intended Action published in the Iowa Administrative Bulletin to add another public hearing date for the ambient air quality standards and the ambient air sampling manual. The public comment period for both rules is extended until November 6, 2002.
- **October 8, 2002.** Administrative Rules Review Committee reviewed the Notice of Intended Action on the ambient air sampling manual.

- **November 6, 2002.** The department held a combined public hearing in Davenport on the proposed ambient air quality standards and proposed ambient air sampling manual.
- Close of public comment period on ambient air sampling manual.
- **December 11, 2002.** Amended Notice of Intended Action published in the Iowa Administrative Bulletin to extend the public comment period for the ambient air quality standards until January 6, 2003.
- **January 6, 2003.** Close of public comment period on ambient air quality standards. A total of 47 written comments and 50 oral comments were received on the ambient standards, and a total of 6 written comments and 5 oral comments were received on the ambient air sampling manual.
- DNR compiled oral and written comments and began preparation of responsiveness summaries.
- **April 2, 2003.** The department finalized its response to public comments for both the ambient air quality standards and the ambient air sampling manual. The comments and the departmental response to comments are located in the responsiveness summaries with each rule.
- In response to public comment, the department made the following additional modifications to the draft rule for ambient air quality standards presented in the NOIA to obtain the current form of the rule:
 - Removed the definition of “community-oriented monitoring site.”
 - Formulated the standards as a three-year average of the annual eighth-highest daily maximum hourly average concentration.
 - Established an earliest implementation date (instead of enforcement date) of December 1, 2004 based on Iowa Code section 459.207.
 - Changed the units of the standards from parts per million (ppm) to parts per billion (ppb).

| Pollutant | Standards | Averaging Time | Not to be exceeded |
|-------------------------|----------------|----------------|--|
| Hydrogen Sulfide | 15 ppb | 1 hour | more than 7 times per year, averaged over 3 years |
| Ammonia | 150 ppb | 1 hour | more than 7 times per year, averaged over 3 years |

- In response to public comment, the department made the following modifications to the draft sampling manual presented in the Notice of Intended Action to obtain the current form of the sampling manual:
 - Added the common molecular abbreviations NH₃ (ammonia) and H₂S (hydrogen sulfide).

- Reworded the “Flow Obstructions” paragraph.
 - Added a requirement that monitors be sited at a specified minimum distance away from roadways.
 - Added a section defining the level of the standards.
 - Reworded the “Computation of a Daily Maximum One-hour Average” paragraph.
 - Added a section “Computation of the Three-year Average” and deleted the section “Rounding Conventions”.
 - Removed the section “Relationship between Exceedances and a Violation”.
 - Removed the requirement that compliance measurements must be performed at a “community-oriented monitoring site”.
 - Deleted the “Data Capture Requirements” paragraph and replaced it with an expanded “Data Completeness Requirements” section.
 - Added a provision to allow additional monitoring methods for hydrogen sulfide and ammonia to be used for determining attainment with ambient standards for hydrogen sulfide and ammonia, if approved by the Director or the Director’s designee.
 - Added a provision that requires that the precision and accuracy of the ammonia and hydrogen sulfide monitoring network be assessed using procedures similar to those established by the United States Environmental Protection Agency (EPA) for federally regulated pollutants.
 - Added a provision that provides for the public availability of monitoring data.
- **June 18, 2003.** If adopted, the final version of ambient air quality standards and sampling manual will become effective.

APPOINTMENT—MONA BOND

11:00 Appointment with Mona Bond

Michael Steinle, Environmental Health Safety Manager with Department of Industries and also representing the Agribusiness Association of Iowa. I would like to say to the director that I have no question in my mind that this issue relating to the Confined Animal Feed Operations needs to be addressed. Obviously someone felt it was important to address or they won’t have submitted the original legislation. Our issue is in the manner in which it is being addressed. Essentially what’s gone on is that the University were given a task to do a study. That was an impossible task. A task to do imperial research with not enough time to do it. For that reason I think there were a lot of steps that weren’t taken. For instance the study was not an empirical study, it is a review of what’s already out there in the terms of research. The problem with this issue is that there is little to no research on Confined Animal Feed Operations. Given that fact the University’s were forced to review research that was already out there in a very short amount of time and come to some conclusions. The two most studied chemicals that emanate from a Confined Animal Feed Operation are hydrogen sulfide and ammonia. It’s just worth knowing that there are over five hundred other chemical gases that emanate from an animal feeding operation. Essentially the Universities came to a conclusion that they wanted to use two segregate indicators of a perceived health problem that might stem over five hundred different chemicals. Given that ammonia and hydrogen sulfide are well researched we know what the very applicable health effects of those chemicals are. They occur at a much higher rate than what the University reports indicated. Unfortunately the number used in the particles per billion was erroneous. That number is, according to the EPA says that there are no health effects from exposure over 70 years. The other thing that is not addressed in the study or in the regulation are the background levels. Normal background levels for ammonia in this area run about 38-50 parts per billion. At certain times a year before you even start the measurement, you are at thirty-three percent of the regulation. There should be a permission in the regulation to account for the

background levels of the ammonia. I would ask that you go back to the drawing board and do an empirical research on the original problem, which is Confined Animal Feed Operations and not attempt to use two chemicals as a segregate indicator. That is proper science. This study is not scientifically defensible nor is it legally defensible. In the end we feel that you would serve the citizens of Iowa better by addressing the odor control issues and not to minor the constituents of the five hundred gas mixture. The level that we recommend as a standard was the odor threshold. Which is 5 parts per million, not billion. We believe that it would be good for Iowa and its citizens to go back and implement guidelines and do real empirical research and implement standards that actually have a positive effect on Iowa citizens.

PUBLIC PARTICIPATION

Kathryn Murphy called for public participation at 11:00 a.m.

Jane McAllister

Jane McAllister representing the Iowa Association of Municipal Utility said that if you look at the rulemaking that is says it's to serve two purposes and that is to implement the findings of that University study and implement Senate file 2293. Unfortunately, we don't believe that any of those objectives have been met by the rules. Why is it that both of the University studies and Senate file 2293 all specifically focus on emissions from Confined Animal Feeding Operations, but as you know the Department has decided to turn these into Ambient Air Quality Standards no matter what the source of contamination. We believe that is a problem because we don't think there is a scientific basis for creating an Ambient Air Quality Standard. That basis is not found in a University study. The Director and others specifically asked five questions of the University. Every one of those questions talked about the emissions coming from CAFOs. The second concern that we have is that Senate file 2239 dealt only with CAFO releases. The Department seems to think that there is some kind of equal protection of the law argument being made here, but that's not what the legislation says. The Legislation very clearly gave the Department the following direction and authority, it said you will go out and do a field study. With that field study you will establish specific standards, those standards will deal with CAFOs and containment levels at separate locations. You will do a rule making under section 17A of the Iowa Code. The statute, the legislature was very clear on what was to be done here, but the Department has apparently ignored that mandate and decide to create Ambient Air Quality Standards. We have to look at what these rules are supposed to accomplish. We don't think that is a justifiable administration basis for air quality. The regulations should be based on sound science and sound law and we don't think this has been done in this case.

Tom Neumann

Tom Neumann, Director of Water Pollution Control from the City of Ames said that he thinks there is a definite need for Air Quality Standards, not just for the CAFOs but for all industry. There is a process of procedure that should be drawn in order to achieve that. I don't believe that was done in this case. My biggest concern right now is that I want to get the record corrected that I do not support the rules that are proposed.

Wendy Wintersteen

Wendy Wintersteen, from Iowa State University said that the proposed Ambient Air Quality regulations state that the regulations fall into ISU and University of Iowa air quality reports submitted in the February of 2002. However, it is very clear that the regulations proposed are

not in accordance with the committee's recommendations for two reasons. First, hydrogen sulfide health based standard at a CAFO property is 70 parts per billion according to the report. The proposed implementation plan specifies an in seeming level of 15 parts per billion. ISU and University of Iowa air quality report clearly states that it is recommended that hydrogen sulfide measured at a CAFO property line not exceed 70 parts per billion. The second point is that the ammonia health based standard of the property line is 500 parts per billion according to the report. The proposed implementation plan specifies an exceedence level of 150 parts per billion.

Gil Dawes

Gil Dawes, representing Madison County Farm Survival urged the Commission not to do anything that will lessen the requirement of the law on measuring and controlling the air quality standards. I urge you as a citizen of Iowa to harden the requirements as firm as can be and not to put them off.

Deborah Riley

Deborah Riley, member of the ICCI. I have several issues to bring to your attention on the Audubon County Factory Farm, according to DNR records it has four existing factory farm sites with the total capacity of twenty-two thousand hogs and eighteen thousand pigs. Last November or December Audubon County Factory Farm submitted permit applications for three additional thirty-six hundred head hog facilities. Those three proposed sites plus his existing factory hog sites would hold fifty thousand hogs within a five mile radius. Which generate estimated 10.5 millions gallons of manure every year. Due to pressure from ICCI members the DNR found numerous problems in the applications causing delays which prevented them from the beginning construction before March 1, 2003. These three sites are all to close to homes and to close to apply the new separation distances according to Senate file 2293. Therefore, he withdrew his application on February 19 and before March 1, he began his construction on a single confinement facility on each of the three sites in order to avoid the new separation distances. He plans to expand his operation to the originally intended size. On January 16, 2003 he was issued a violation from the DNR for not Applying for a manure management plan. There are reports that seem to appear to us that he knew the law and intentionally broke the law. I ask the Commission today to inform Jeff Vonk and Wayne Giesleman to immediately recommend enforcement action.

Tommie Stoner Sr.

Tommie Stoner Sr., member of the ICCI and a full time farmer of 63 years said that directly southwest of my home there are four hog confinements that have been put up in 1998. In this past year another hog confinement operation went up just 2,000 feet west of our house. On Thanksgiving night of 2002, in the middle of the night the Certified Applicators came in and spread manure across our road. They knew it wrong cause they had to do it at night. I called the DNR, they came down. They were only 495 feet from our house. They were only 25 feet from a well. I've learned afterwards that they put it on at such a high rate they could not eject it so they put it on top of the ground. We had to leave our home for five days. For ninety-three

consecutive days there were only 8 days that I could work outdoors. We are going to fight against the corporate hog confinements.

Larry Ginter

Larry Ginter, a member of the ICCI said that he appreciates what the DNR is trying to do here with these rules and we urge the Commission to follow them. We would like to stiffen these rules a little bit. ICCI would like to drop the second day grace period, purchase more monitors and record more monitors that will allow the DNR to respond to the citizens complaints and get better statewide pollutants from factory farms. On page six the Health Organization lists hydrogen sulfide as a toxic hazard in many environments along with ammonia. We're trying to develop the quality of life here. Let's stop all the studying and start enforcing standards.

Darla Hill

Darla Hill, member of the ICCI said that we have four factory farms within 2 miles from our farm home. She asked each Commission member if they live within 2 miles from a factory farm. She wanted to say that we need rules now to protect every resident of Iowa.

Grant Raupp

Grant Raupp, member of the ICCI addressed the flood plain rules. We need to prohibit the ability of the factory farms on all water source flood plains. That's going to be the only way to protect Iowa's water. The DNR needs to take issue with what they call an "as built permit". This is when factory farms build without the legal permit. The problem with this is that if a factory farm is going to build illegally on a major water source or even any water source flood plain, the DNR cannot give it an as built permit. The DNR needs to come up with steps on how they are going to fully deal with factory farms building illegally which has happened. There's no use of having these rules at all if they're just going to allow factory farmers build illegally. We need to strengthen these rules as well as the air quality rules.

Richard Bird

Richard Bird, member of the ICCI said that the three year waiting period to monitor the air quality is completely unreasonable. We have polluted water, lakes, and air. The people have rights too. We depend on your board to protect the environment of Iowa. (He passed around a petition that was signed by doctors, nurses, physicians because of the stink from a moratorium)

Kathleen Johnson

Kathleen Johnson from Murray said that the school in Murray gets fumes from Iowa Select, a major confinement 3 miles west. Many people had to leave due to sickness. I implore you to set the standards now.

Chris Gruenhagen

Chris Gruenhagen, representing the Iowa Farm Bureau Federation said that the definition that you establish today should be reasonable. The question is whether or not the proposed rule is an appropriate standard. The proposed air quality standard proposed in item 9 and 10 are materially fought in three ways. It does not follow the joint university report recommendation and it is not based on the best scientific

research available and it is not consistent with Iowa Code section 459.207. Some aspects of the University report have been applied to the proposed rule, while others have been selectively disregarded. Creditable evidence outside of the university report has been largely ignored. The university report provided two suggested standards. The standard before you is based on one of the standards based on measurements from the source property. The DNR does not follow the university's suggested standard of 70 parts per billion for hydrogen sulfide and 500 parts per billion for ammonia. The report also recommended that each source be allowed seven variances per year before being found in violation of the standard. In addition to misusing the university report and not following the direction of the legislature there is evidence that they are not scientifically defensible with respect to the Public Health Standard.

Peter Thorne

Peter Thorne, Professor from the University of Iowa said that he is concerned that some people are confusing some of the issues that were raised. The utility in the application of the Occupational Health Standards. We who work in Occupational Health recognize that Occupational Health standards are designed to protect Occupational population. Usually people who work 35 hours a week. The standards that are developed by OSHA and the Department of Labor, which are enforceable standards have to do with feasibility issues and economics as well as worker's health. These occupational health standards do not pertain to public health measures. The other clarification would be the American Industrial Hygiene Association and American Conference of Governmental Industrial hygienist and NOWCC do not make regulatory standards. They propose guidelines all pertaining to occupational health. The concern about odor being the proper level of toxicity is erroneous. This has been raised in the context of ammonia. In both occupational and public health, choosing a substance to regulate recognizing that that will help control other exposures emanating from an industry or polluting source. It's a marker of bacterial contamination in the water. With ammonia and hydrogen sulfide those compounds that we use to indicate a pollution problem in and of themselves are also toxics. Some of the claims on background levels are not supported by the measurements that we're doing nor by the published literature that we've seen. My concern is that they earliest date in CAFO in the state could be found in violation of standards would be 2007. If that is the intent of the DNR I would like to have that clarified.

Scott Young

Scott Young, from Cambriex Pharmacy said that this process began with the legislature and Governor's interest in CAFO's. Over the last ten years the EPC and the Department has worked hard to nurture cooperation with working relationships with stakeholders. There are going to be hundreds of individuals and different entities that have nothing to do with the CAFO industry but will be directly affected by these rules. These are the ones that have been disenfranchised. There is not a state in the Union or Federal government that's ever gone forward with on Ambient Air Quality Standards with inadequate scientific data. The problem that we have at Cambriex is the policy to undermine the efforts that have been made to create partnership between industries and the Department in trying to establish good environmental policy.

Charles Stevens

Charles Stevens, Superintendent at the Knoxville Waste Water Treatment Plant. We feel the DNR should expand legislative intent. Because of the proposed Ambient Air Quality Standards our Ambient Air standards run our emission standards. The proposed Ambient Air standards will be difficult and expensive to enforce. A consistent measurement of hydrogen sulfide and ammonia at the proposed levels will be the challenge. Ambient Air quality violations for these constituents will require extension investigation by the IDNR to determine the violator. The IDNR has not prepared any type of cost analysis to inform state citizens on what the proposed regulations will cost society and the environment. We support the point

source emission standards applicable to CAFOs because it will be less expensive and easier to control hydrogen sulfide and ammonia emissions.

David Osterberg

David Osterberg, representing the University of Iowa said we who did the study recommended there also be an odor standard and there is not. These numbers are somehow way out of line with our standards. There are other places that have hydrogen sulfide standards. For example, Minnesota's hydrogen sulfide standard has 30 parts per billion, which should not be violated more than twice in a five day period. The Department of Public Health also has standards for the Minnesota.

Jerry Peckumn asked Catherine if we pass this rule we're not going to find someone in violation for quite a while, correct?

Catherine Fitzsimmons said that is correct. No one can have seven violations in one day. The maximum one hour daily concentration is the individual violation for that day. The standard is a one hour standard.

Jerry Peckumn asked who's monitors are we going to look at to determine a violation? Just DNR's, publicly or privately owned monitors, or monitors owned by other government units?

Catherine Fitzsimmons said that we will be working with our monitors. Other people could certainly set up monitors, which if they met criteria, they could measure violations.

Kelly Tobin asked when will the three years will start?

Catherine Fitzsimmons said that the beginning of the first year will start January 1st, 2004. Then we will be looking at the first full calendar year of data. We're setting public health standards for a pollutant measured in the ambient air. In 1997, EPA adopted a federal standard for PM2.5. They also adopted the ozone standard. For both of those standards, we are still in the process of doing our initial monitoring to decide whether or not there are any initial non-attainment areas. In general, what we've done in the past is to adopt a federal standard, then monitor for at least three years and then develop strategies for ensuring we have no exceedences or violations.

Jerry Peckumn asked if there is someone who has a violation, what are we going to do about the violation?

Catherine Fitzsimmons said that we are going to be developing that in our implementation plan. We're going to continue to work on the study. We have six monitoring sites across Iowa.

Shawn Fitzsimmons mentioned the location of all six monitoring sites. The department tries to get the monitors as close to a residence as possible and still be able to obtain useable readings. Each monitor needs a telephone line and power. For most EPA standards, the monitors are required to stay there for three years.

Jerry Peckumn asked why do we need to wait three years before we can enforce an air quality problem?

Catherine Fitzsimmons said that we don't have to, its just that the standards are generally set for a three year average.

Jerry Peckumn asked why aren't we regulating for acute events?

Catherine Fitzsimmons said that you could direct us to adopt an acute standard. We have acute standards for sulfide dioxide. That's in our emergency episode section of the rules.

Darrell Hanson asked a couple of questions about the three year period. Since part of the goal of the ambient standards is to determine source, does the three year average give you a better idea of what type of conditions people are living under? Is there also an advantage or not in terms of being able to identify the most likely sources? Can you get an odd result in such a short period of time and end up identifying the wrong source?

Catherine Fitzsimmons said that it can happen. Generally, we have a meteorological station at our monitors and where we don't we can get meteorological information from nearby airports. Whenever we get exceedences that are close to a violation, we'll go back and look at the wind direction and speed. So whether its three years or one year we would be looking at the same thing.

Darrell Hanson asked if you have an extreme situation where its pretty clear after one or two years that you already know the average is over a certain level, do these rules give you the ability to start enforcement on that situation at that point? Or do you need to wait until the three years are up?

Catherine Fitzsimmons said these rules do not address how we will act in any case, whether its one, two or three years. The implementation plans could say that if you are starting to see a pattern that you can begin to approach the sources and start to develop plans so that on the beginning of the fourth year you can have rules to implement and say that these are the controls that you need to have in place.

Kelly Tobin asked if there will be any changes on odor in the three year period?

Catherine Fitzsimmons said that we just commenced another study about a month ago for odor. We have our field office people taking measurements based on complaints and also during regular inspections and putting the measurements into a database. Until we get some information off of that we won't be taking any specific action. The university study had two recommendations, one was for rather specific standards and the other one knew there was a problem but was not sure what the characterizations are. So there was no real consensus on how to move forward.

Darrell Hanson asked about how ambient air standards would be applied if there are no CAFOs, but there are plenty of animal confinement units. Whether its been decided by someone if its coming from a CAFO or manufacturing plant we would need to deal with it the same way. Would that also be the case with non-permitted operations? Would this standard be used to help reduce problems in those areas too?

Catherine Fitzsimmons said yes it could. We're looking at ambient standards that are health based. So regardless of the source, we're concerned about the impact that it has on public health. We're trying to learn what types of facilities are likely to contribute to environmental issues. We look at all the sources.

Lisa Davis Cook asked what's the magic number about the seven exceedences in a year and what is the justification for that?

Catherine Fitzsimmons said that we're trying to stick as closely as we could to the university recommendations. They talked about facilities with notice being able to spread manure up to seven days a year. We felt that what they were trying to say was that they may exceed the standard up to seven times a year. One exceedance over that and you would have a violation.

Jerry Peckumn asked if we were to approve this today, there seems to be quite a concern that the limits seem to be too low. What would we be able to do about changing the limits if we had better information that says we really are in fact too low.

Catherine Fitzsimmons said that we believe its important to have an opportunity to review the standard periodically. As a scientist, I would say that we don't want to change the direction we're going as a result of a single study. We would recommend between 3-5 years that the standard be reviewed. This will be in our implementation plans. We would like to proceed with the university study. The legislature asked us to do a field study. We can begin to construct an implementation plan toward the end of this summer and start to put together some of these elements.

Kathryn Murphy said that there were several people during the public participation segment that thought that the science of this standard was based on the CAFO study yet the standards would apply to all sources.

Catherine Fitzsimmons said that the univeristy study recommended that ambient standards be adopted, and it listed specific levels for those standards. It did not recommend emission standards. The ambient standards address specifically hydrogen sulfide and ammonia at concentrations that the university study said had the potential to cause adverse health impacts. As someone in charge of helping to ensure that the public health is protected, regardless of the source of the pollutant, I had to look at what the recommendation was saying.

Kathryn Murphy asked whether different sources under the implementation rules would be addressed differently?

Catherine Fitzsimmons said that they would be addressed differently as far as the type of source. Our current implementation rules address different source chemicals. The establishment of a health based standard should not address implementation costs or potential regulatory outcomes. It's purely making a statement of health impacts on people.

Darrell Hanson said that it seems if you have ambient standards, and that's pretty clear that we were directed to put that together, and they don't apply to all ambient air in the area, if enforcement standards don't apply to all sources, couldn't you be looking at a situation where the ambient standards are violated but the only people that are contributing to that violation are those not regulated by the standards?

Catherine Fitzsimmons said that would be correct. Emission standards would be imposed only on one sector to protect the ambient air quality standards. That being said we need to look at the largest contributors first because we need to look at who's causing the most significant impact.

Darrell Hanson said that he was concerned about the fact that the rules ended up being drafted so that the lower limits that were meant to apply at the residence, church, etc. are the standards for open fields, gravel pits, etc. Could you explain why we ended up going this route?

Catherine Fitzsimmons said that one of the reasons is because its very difficult to find a monitoring site at a separated location. We don't want to put a monitor some place where its in the down wash of the building and there's actually an accumulation of the pollutant so you get an unreasonable high level there. Likewise, we don't want to get so far away from where people are and be in the middle of nowhere and say that you're in violation. We found it very difficult to find an appropriate distance. What we decided was that we needed to make that distance part of the implementation plans, because it's not the standard that's different, it's the state's response to it.

Gary Priebe said the thing that bothers him is that we have Agri Business, Farm Bureau and two people that helped write this report all saying that's not the standard that we suggested. When you change 70 and 500 down to 15 and 150, I have a problem with that. I think that these rules are something that the state as a whole needs. I would be in favor of these rules if we would go back to the standards that they suggested that we use and then see where we are from that standard, not start out down where no one can make it. To me if you start out at the low standard there are a lot of units that won't make it, so do we continue to operate or shut them down?

Catherine Fitzsimmons said that one of the things we don't know is how many facilities won't meet the standard. We wanted to choose the standards that were health based.

Bryan Bunton said that we would be the twenty-eighth state to have a hydrogen sulfide standard and the eleventh state to have an ammonia standard. Most, if not all, are ambient air standards and those that are not are health based standards promulgated by various states' health departments. It is difficult to compare states' standards with one another. One reason is that different states have different averaging periods. We have a one hour averaging period, where some have an 8 or even 24 hour averaging period. Another reason is the number of times that you are allowed to exceed the standards. Iowa has proposed to allow 7 exceedances before a violation occurs, where most states only allow one or two. The levels themselves are more stringent than most states, but are not the most stringent compared to other states with one-hour averaging periods. Both New Mexico and New York have levels more stringent than ours.

Darrell Hanson mentioned that it's his understanding from the department staff that the intent is not to necessarily bring the hammer down on someone because of a violation on an open field, but we know that people come and go and rules stay. So I think there would be more comfort in approving something that we all understand what's going to happen. I was going to suggest that if we adopt these rules that we also direct the department to basically do what they're going to do anyway but to put in writing something like this: and direct the department to develop an implementation plan under which no enforcement action will be taken unless a violation is detected by measurements at a separated location.

Gary Priebe said that basically you're suggesting that they would still be using the 70 and 500 theoretically at the fence line but there would be no enforcement action unless they got to the 15 and 150 at a residence.

Jeffrey Vonk said that the code prohibits the department from enforcement activities at the fence line. We have chosen to remove this community-oriented monitoring site definition to allow us a greater amount of flexibility during the period of study to place monitors and be able to the best of our ability to describe concentrations and use dispersion models and determine what actually is happening in field levels. To address another issue that was expressed earlier, it will be our intent to work with industry to make them aware of what we're finding when we have monitored many exceedances.

Motion was made by Darrell Hanson to approve the rules (Ambient Air Quality Standards and Sampling Manual) and direct the department to develop an implementation plan under which no enforcement action will be taken unless a violation is detected by measurements at a separated location. Seconded by Gary Priebe.

Catherine Fitzsimmons said in the Iowa Code under 459.207 "Animal Feeding Operations Air Borne Pollutant Control" contains a definition of a separated location; a location or object from which a separated distance is required under section 459.202 or 459.204, other than public a public thoroughfare.

Darrell Hanson said the law states that the department shall take all initial measurements at the separated location. They are not to enforce until they have gotten measurements from a separated location anyway. The location exists as a separated location whether a permitted operation has been established or not.

Catherine Fitzsimmons said that that occurs only to distances from confined animal feeding operations.

Gary Priebe asked if this passes today will it be written in stone, or will it be addressed later if there is problems? And if we pass this the way the motion is written, does that mean that all our monitoring will have to be at separated locations, we can't monitor at a fence?

Catherine Fitzsimmons said that yes, monitoring data used for enforcement actions must be from a separated location. However, we can still monitor anywhere, including the fenceline, to collect data as needed.

Jerry Peckumn said that we want to monitor at fence, so we can tell what is happening to the ambient air quality over a large range. I agree with Darrell I don't want to enforce some regulation out in the middle of nowhere, but I'm concerned about using that term if that's going to limit us in the future as we talk about implementation.

Catherine Fitzsimmons said yes and that's why we wanted to make sure that it was clear that we were monitoring for the purpose of characterizing emissions for future studies but not for enforcement of the rules.

Jeffrey Vonk said that it seems that we're talking about human health standards, so going out to monitor in the middle of nowhere with no humans is not logical.

Gary Priebe asked if this motion does not just encompass CAFOs?

Darrell Hanson said that I intended that it be all encompassingLori Glanzman said that she is uncomfortable with the rules now without any modifications because my understanding of the legislature's intent was fairly clear that this was for CAFOs only that they wanted the department check into.

Catherine Fitzsimmons said that we are doing what they asked us to do. We are establishing standards for pollutants that are emitted from CAFOs, we are also acknowledging those pollutants are also emitted from other facilities. Regardless of the source of those emissions they can cause public health impacts. Just because if comes from a CAFO does not make it a worse pollutant, we're saying that wherever that pollutant comes from you're adversely affecting public health.

Rita Venner asked why the other industries were not included in the study?

Catherine Fitzsimmons said the purpose of us putting monitors out was specifically for the study that the legislature mandated related to CAFOs. So we brought in scientists who have done monitoring around animal feeding operations. We didn't bring in industries from other areas to look at the ambient standards.

The Roll Call vote went as follows to approve the motion made Darrell Hanson; Lori Glanzman – nay; Darrell Hanson – aye; Gary Priebe – aye; Kelly Tobin – aye; Terry Townsend – absent; Rita Venner – nay; Jerry Peckumn – aye; Lisa Davis-Cook – aye; Kathryn Murphy – aye. Motion carried to approve the Ambient Air Quality Standards and Sampling Manual along with directing the Department to develop an implementation plan under which no enforcement action will be taken unless a violation is detected by measurements at a separated location.

APPROVED AS AMENDED

APPOINTMENT—GERRY SCHNEOPF

Gerry Schneopf with the Keep Iowa Beautiful Program Organization encouraged everyone to keep Iowa beautiful by building citizen pride, increasing respect for land and property, stop littering and illegal dumping, and encourage enforcement of the laws. More information can be found at our website: www.keeptowbeautiful.com

RENEWAL MAINTENANCE AGREEMENT WITH WINDSOR TECHNOLOGIES, INC. FOR SPARS

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Environmental Protection Commission will be asked to approve the renewal of the Maintenance Agreement with Windsor Technologies, Inc. The maintenance Agreement for 2002 expired June 30, 2002. The DNR would like to renew the maintenance and minor enhancements agreement with Windsor to add critical enhancements to SPARS. This will provide our customers with tools that will make SPARS easier to use, which is very important in providing good support to our regulated community. These tools include adding the following:

- A copy data from previous years into new Emission inventories;
- A copy function for equipment from Site Management; and
- A copy function for Major Source Operating Application Part 1.

The total cost to renew the maintenance and minor enhancements agreement is \$36,212.00. The duration of the agreement would be May 1, 2003 to June 30, 2003.

Background. The Iowa Department of Natural Resources, Air Quality Bureau (AQB) and Windsor Technologies, Inc. created and have been maintaining the State Permitting and Air Reporting System (SPARS) under contracts 1997-084, 1999-7230-12, 2000-7230-12 and 2002-7230-12. SPARS has made it possible for our facility clients to fill out and submit an electronic construction and/or operating permit application via diskette, CD-ROM, e-mail, or ftp. Funding for Renewing this Agreement was budgeted in FY 2003 and is paid for by Title V fee payers.

SPARS has been in production for over two years. We provide Help Desk, training, web, view/report services to our customers. Our achievements:

- We have had over 1,866 SPARS Site IDs issued, half of which were requested by our customers.
- 100% of our Minor Source Emission Inventories received to date are available in SPARS.
- 188 of our 300 original Title V/Operating permit applications are available in SPARS, and 53 are ready to be migrated.
- For 2001, we received 33 Major Source Emission Inventories via SPARS. For 2002, we have received 52.
- Title V/Operating permits must be renewed every 5 years. In 2002, 9 renewal applications were received via SPARS. In 2003, we are expecting over 30.
- For 2002, 90% of our Construction permit applications are available in SPARS. For 2003, 99% are available.

Agreement #2002-7230-12 for \$80,000.00 addressed maintenance and enhancements to SPARS and expired June 30, 2002. Under this agreement, Windsor made some critical enhancements to SPARS to provide our customers with added functionality in their use of SPARS to fill out and submit a Construction permit application, Title V/Operating Permit application and Major & Minor Source Emission inventories. This was done by the addition of an auto fill tool that would allow the user to choose to copy information from one inventory to another; an auto calculation tool for the emission inventories; and allowed for the adding of units that were already assigned.

Conclusion. Because of Windsor Technologies, Inc. experience in developing SPARS, it makes sense to contract with them to complete this work. By having Windsor's contract extended, we will avoid the additional substantial amount of time and money for another contractor to become familiar with the SPARS software before even doing any work on these components. The Air Quality Bureau believes that Windsor can provide these services.

The Commission is asked to approve the issuance of Agreement #2003-7230-12 with Windsor Technologies, Inc. for maintenance and minor enhancements to SPARS.

Jim McGraw presented the item.

Motion was made by Lisa Davis-Cook to approve the Renewal Maintenance Agreement. Seconded by Kelly Tobin. Motion carried unanimously.

APPROVED AS PRESENTED

1. CONTRACT – CLEAR CHANNEL OUTDOOR 2. CONTRACT – LAMAR ADVERTISING 3. CONTRACT – OUTDOOR GRAPHICS 4. CONTRACT – CLEAR CHANNEL COMMUNICATIONS

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Commission will be asked to approve the attached contracts with Clear Channel Outdoor, Lamar Advertising, and Outdoor Graphics for the purpose of promoting the Smoking Tailpipe program with outdoor advertising. The contracts are for advertising during June through August. Clear Channel

Outdoor is an advertising company that handles the Des Moines Metro area and will provide rental space and production of 40-plus billboard posters a month. Lamar Advertising, which owns billboard posters in east central Iowa will provide rental space in eastern counties and Outdoor Graphics will provide billboard rental space in southeastern Iowa.

Outdoor Advertising

1. Contract with Clear Channel Outdoor
2. Contract with Lamar Advertising
3. Contract with Outdoor Graphics

The Commission will be asked to approve the attached contract with Clear Channel Communications for the purpose of promoting the Smoking Tailpipe program with radio advertising. Clear Channel Communications is a national radio and media company with ownership of the Iowa Radio Network and other Iowa stations.

Radio Advertising

1. Contract with Clear Channel Communications

Background. Over half of Iowa toxic and smog forming pollutants are released from mobile sources. A disproportionate amount of emissions come from vehicles with excessive, visible exhaust. The Smoking Tailpipe program was established to reduce pollution caused from mobile sources. This voluntary, informational program intends to educate Iowans about the health, environmental and economic benefits of proper vehicle maintenance and encourage citizens to report smoking vehicles on a toll free number (formerly 1-866-TAILPIPE, now 1-888-END-SMOG) and via the Internet (www.iowacleanair.com). Vehicle owners are sent informative, educational materials to help identify probable causes and repairs to make informed maintenance decisions. Often, repairs improve performance, reduce fuel use, extend vehicle life and maintain resale value. Repairs can range from simple, inexpensive filter changes to major work. Repair decisions are voluntary and left to the individual. The DNR is working with outdoor advertising and radio companies to promote program visibility to Iowa motorists and to find auto-repair related sponsors willing to include coupons and discounts for parts and service in the mailings to encourage repair.

Activities under the contracts will include identifying and charting locations with high visibility to motorists. Under the contracts, the companies will also be responsible for billboard upkeep and rotation. The contract with Clear Channel Outdoor will provide funding for the production and distribution of poster billboards to Lamar Advertising and Outdoor Graphics. The contracts will also provide all companies with agreed upon rental fees for the outdoor spaces.

Funding for these contracts will come from the Iowa Clean Air Attainment Program (ICAAP) funds. The contract periods will extend from late April, 2003 through August 31, 2003. Funding for the billboard advertising from the ICAAP grant shall not exceed the budgeted amount of \$109,147.50.

Activities under the contract will include buying radio time, producing radio spots, and providing the department with coupon sponsors. Under the contract, Clear Channel Communications will provide a custom package of advertising during the prime driving times of the day, on various network and non-network stations. These stations will include top stations from the Des Moines Metro area and eastern Iowa markets. This package is designed to facilitate education about the Smoking Tailpipe program with focus on eastern Iowa and the Des Moines market.

Funding for this contract will come from the Iowa Clean Air Attainment Program (ICAAP) funds. The contract period will extend from late May, 2003 through August 31, 2003. Funding for radio advertising from the ICAAP grant shall not exceed \$50,000.

Jim McGraw presented the item.

Motion was made by Kelly Tobin to approve the contracts. Seconded by Lori Glanzman. Motion carried unanimously.

APPROVED AS PRESENTED

AMENDMENT TO AGREEMENT WITH NOWCC

Wayne Giseleman, Division Administrator of the Environmental Protection Division presented the following item.

The Environmental Protection Commission will be asked to approve the amendment of the SFY 2003 Agreement with NOWCC. The Water Supply Section would like to add two positions. For specifics, please see the Statement of Work in Amendment #2. Additionally, the Budget for the original Agreement has been corrected to reflect actual costs to date and expected costs through June 30, 2003 as outlined in the Budget in Amendment #2.

- For AQB, the cost has been reduced to \$39,927.78 from \$104,046.86 for cost centers 7220 and 7230. This reflects a transfer of this work to another contract provider.
- For Field Office Bureau the cost has adjusted to \$142,133.50 from \$130,907.55 for cost centers 7422 and 7426.
- The Water Supply Section is new and will cost \$9,810.00 for cost center 7426.

This amendment will adjust total cost to \$186,871.27 from \$234,954.41 for the current Agreement ending June 30, 2003.

Background. National Older Worker Career Center (NOWCC) provides temporary staff services to their clients. In doing this, NOWCC handles advertisement for the types of staff that their clients are looking for; reviews candidates to see how well they fit with NOWCC and the client's needs; provides a list of possible candidates for interview; and finalizes the hire.

NOWCC provides benefits to its workers such as: fully paid health insurance; paid sick leave and vacation; and unemployment insurance.

For several years, EPA had an agreement with NOWCC for a single staff person for the Air Quality Bureau (AQB). In 1999, AQB created a direct contract with NOWCC for 3 positions. In 2000, AQB took over the cost of the EPA funded position and renewed the NOWCC contract for 4 positions. That same year, other areas within the Environmental Services Division

contracted with NOWCC for five additional positions in the Field Offices Bureau and Waste Management Assistance.

In fiscal year 2001, these separate contracts combined into a single agreement with NOWCC for services – covering AQB, Field Office Bureau and Waste Management Assistance. The complete contract for all DNR covered 11 staff positions and cost a total of \$392,253.66.

In fiscal year 2002, we continued to contract under a single agreement with NOWCC for services – covering AQB and Field Offices Bureau. WMAD dropped out of the Agreement. The complete contract with NOWCC for all DNR originally covered 10 staff positions and cost a total of \$316,217.73. Due to changes, specifically cuts in budget, AQB cut 3 positions in October. This reduced the contract to 7 staff positions. The final total cost for the contract was \$237,129.09.

AQB and the Field Offices Bureau has found NOWCC to be very reliable and roll-over to be minimal to none compared to other temporary services. This is a benefit to all DNR because training new staff is expensive and time consuming.

Again this year, a combined renewal agreement was created to cover all DNR's contract needs with NOWCC. Our current Agreement totals \$234,954.41 for 7 positions for July 1, 2002 to June 30, 2003. It was amend December 16, 2002 for an additional \$15,126.97 to increase hours of one position to 80 hours bi-weekly and to add a position in the Spencer Field Office (FO3).

Conclusion In the near future, the Commission will be asked to approve a renewal for the NOWCC agreement for the fiscal year 2004.

The Commission is asked to approve the issuance of this Amendment with NOWCC for the DNR.

Jim McGraw passed out handouts to the Commission.

Motion was made by Jerry Peckumn to approve the amendment to the agreement with NOWCC. Seconded by Rita Venner. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE, CHAPTERS 65, 70, 71, 72, AND 75 - CONFINEMENT FEEDING OPERATIONS ON FLOODPLAINS

Wayne Giesleman, Administrator of the Environmental Protection Division presented the following item.

Commission approval of the attached final rule is requested. The rule amendments will, if approved, implement the provisions of 2002 Iowa Acts, Chapter 1137 (SF 2293) that prohibit the construction of confinement feeding operations (CFOs) within the floodplain of major water sources. Amendments to Chapter 65, "Animal Feeding Operations", Chapter 70, "Scope of Title

-- Definitions -- Forms -- Rules of Practice”, Chapter 71, “Flood Plain or Floodway Development -- When Approval Is Required”, Chapter 72, “Criteria for Approval” and Chapter 75, “Management of Specific Flood Plain Areas”, Iowa Administrative Code are proposed.

Six public hearings were held and written comments were accepted through February 21, 2003. Six individuals, representing themselves, and 11 organizations, provided comments. A responsiveness summary of the comments provided has been prepared and is attached. In response to the public comments and comments from the Administrative Rules Review Committee, the final rules have been changed slightly from those proposed in the Notice. The preamble documents those changes, but, in general, the changes involve consistency in how the one hundred year floodplain is defined in SF 2293 and existing floodplain rules.

Kelly Stone presented a summary of the changes in the Final Rule compared to the NOIA and summarized the public comments and department responses for issues that are discussed in detail in the Responsiveness Summary.

Rita Venner asked if the idea of filling a floodplain above the regulatory level is new?

Kelly Stone answered that placing fill on the floodplain to elevate a construction site has been an allowable practice (under specific conditions) since 1957. Confinement feeding operation structures are still prohibited from being constructed on the one hundred year floodplain of major water sources (in accordance with the Iowa Code), as filling does not remove the site from the floodplain, Stone pointed out.

Rita Venner asked if there is a building already on the site and they want to build another, is that allowed?

Kelly Stone answered that expansion of a confinement feeding operation located on the one hundred year floodplain of a major water source is it not allowable at this point in time. Stone noted that a bill currently awaiting the governor’s signature (SF 392) will allow variances to the construction prohibition under certain conditions as determined by the department.

Jerry Peckumn asked where the ten square mileage drainage area limit comes from?

Wayne Gieselman said that it is actually an Administrative Rule and that basically says that approval (usually a construction permit) must be obtained for projects located on the floodplain of any river or stream draining more than 10 square miles (2 square miles in urban areas). The drainage area thresholds are in place to provide a reasonable regulatory limit. Floodplain construction on streams below the thresholds is very unlikely to have substantial effect on flood flows.

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| <i>Motion was made by Jerry Peckumn to approve this Final Rule. Seconded by Darrell Hanson. Motion carried unanimously.</i> |
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Lisa Davis Cook asked the legislation that preceded this rule stated that the prohibition (of construction of confinement feeding operation structures on the one hundred year floodplain) only applies to (the one hundred year floodplain of) major water sources, correct?

Kelly Stone answered that is correct.

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| APPROVED AS PRESENTED |
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NOTICE OF INTENDED ACTION – AIR QUALITY PROGRAM RULES CHAPTERS 21, 22, 23 AND 25, UPDATES, REVISIONS, AND ADDITIONS

Wayne Giseleman, Administrator of the Environmental Protection Division presented the following item.

The attached Notice of Intended Action to amend Chapter 21, “Compliance,” Chapter 22 “Controlling Pollution,” Chapter 23 “Emission Standards for Contaminants” and Chapter 25, “Measurement of Emissions” of the 567 Iowa Administrative Code is being presented to the Environmental Protection Commission for information at the April 21, 2003 EPC meeting. At the May EPC meeting, approval to proceed with the rulemaking process and publish a notice of intended action on these proposed rule revisions and additions will be requested. .

This proposed rulemaking consists of the following:

- Adds specific variance requirements relating to trial burns of alternative fuels. This proposal relates to facilities that are interested in obtaining a waiver from construction permitting for conducting the trial burn.
- Makes date modifications to update federal regulations adopted by reference in the Iowa Administrative Code.
- Provides clarification/changes to an existing exemption from construction permitting. In particular, the revision pertains to changing the wording to clarify that a permit must be obtained and not just “applied for” to obtain emission reduction credit.
- Adopts by reference 26 recently promulgated federal NESHAPS. (Note: The Department is anticipating the publication of a number of federal NESHAPS in April. Any NESHAP that is not published at the time the agenda brief for the May EPC meeting is prepared, will be dropped from the proposed rules. The date of the most recent NESHAP rule change or addition will be included in Item 7 in the decision package)
- Adopts a revised Sampling Compliance Manual

Jim McGraw presented the item for the Commission as informational only.

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| INFORMATIONAL ONLY |
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NOTICE OF INTENDED ACTION - CHAPTER 22, CONTROLLING POLLUTION (AIR CONSTRUCTION PERMITTING EXEMPTIONS)

Wayne Giseleman, Administrator of the Environmental Protection Division presented the following item.

The Commission will be asked to approve an amendment to Chapter 22, “Controlling Pollution” 567 Iowa Administrative Code. The purpose of this rulemaking is to add new paragraphs 22.1(2) “u” and “v”

This rulemaking is the result of a cooperative negotiated rulemaking process between the department and representatives of the Iowa Association of Business and Industry (ABI) that began in 2001. The Commission was first notified of the negotiations related to air construction permitting exemptions in an information agenda item presented on August 20, 2001. This information item was followed by a Notice of Intended Action at the September 17, 2001 Commission meeting that was published in the Iowa Administrative Bulletin Volume XXIV, Number 8, on October 17, 2001, as ARC 1024B. Some of the proposed exemption modifications and additions included in the September 2001 Notice of Intended Action were adopted by the Commission at the May 20, 2002 meeting. Other proposed exemption revisions were withdrawn at ABI's request for further consideration of comments provided by the U.S. EPA during the public comment period.

This Notice of Intended Action is the result of negotiations that were resumed in December 2002 between ABI, the department, and the U.S. EPA and addresses many of ABI's concerns regarding permitting requirements for small indoor venting sources. Both the department and ABI are interested in reducing the regulatory burden on industry where the actual emissions of air contaminant sources are likely to have little or no environmental or human health consequences.

Paragraph 22.1(2)"u" exempts from air construction permitting requirements equipment for carving, cutting, routing, turning, drilling, machining, sawing, surface grinding, sanding, planing, buffing, sand blast cleaning, shot blasting, shot peening, or polishing ceramic artwork, leather, metals (other than beryllium), plastics, concrete, rubber, paper stock, and wood or wood products, where such equipment is either used for nonproduction activities or exhausted inside a building.

Paragraph 22.1(2)"v" exempts from air construction permitting requirements manually operated equipment used for buffing, polishing, carving, cutting, drilling, machining, routing, sanding, sawing, scarfing, surface grinding, or turning. Manually operated equipment is as currently defined in 22.100 of 567 Iowa Administrative Code.

The department will seek inclusion by U.S. EPA of this amendment into the State Implementation Plan upon final approval by the Commission

A public hearing will be held at 1:00 p.m. on June 13, 2003, in conference rooms 2 & 3 at DNR's Air Quality Bureau offices located at 7900 Hickman Road, Urbandale, Iowa, at which time comments may be submitted orally or in writing. All comments must be received no later than June 13, 2003.

Motion was made by Kelly Tobin to approve the Notice of Intended Action – Chapter 22. Seconded by Rita Venner. Motion carried unanimously.

APPROVED AS PRESENTED

CHAPTER 23: "EMISSION STANDARDS FOR CONTAMINANTS" OPEN BURNING RULE REVISIONS INCLUDING CONTROLLED BURNING OF DEMOLITION DEBRIS

Wayne Gieselman, Administrator of the Environmental Protection Division presented the following item.

The attached Notice of Intended Action, amending Chapter 23 "Emission Standards for Contaminants," 567 Iowa Administrative Code, is being presented to the Environmental

Protection Commission for information at the meeting on April 21, 2003. At the June 16, 2003 meeting, approval will be requested to proceed with the rulemaking process and publish the notice of intended action on these proposed rules. These proposed rules amend Chapter 23, "Emissions Standards for Contaminants," 567 Iowa Administrative Code.

The purpose of the proposed rulemaking is to implement 455B.133(10) of the Iowa Code which was passed as Senate File 2325 of the 79th General Assembly and signed into law. The legislation provided an additional exemption under which cities may conduct controlled burning of a demolished structure and required the department to adopt rules to implement this legislation. This rulemaking specifies the conditions that must be met in order for a city to use the "new" exemption for controlled burning of demolition debris.

In addition, this rulemaking will also make the following changes to the state's open burning regulations:

- ◆ adds emphasis that, when requesting a waiver from the open burning, additional information may be requested by the department to ensure that the national ambient air quality standards are met.
- ◆ provides clarification that the burning of disaster rubbish under 23.2(3)"a" must be conducted in accordance with the requirements in the federal asbestos National Emissions Standards for Hazardous Air Pollutants (NESHAP).
- ◆ makes a distinction between training fires and controlled burns of demolition debris.
- ◆ adds a definition for "bonafide training fire."
- ◆ provides clarification that the burning of agricultural structures under 23.2(3)"i", must be conducted in accordance with the federal asbestos NESHAP regulations

Jim McGraw presented the item to the Commission as information only. Back for approval in June.

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| INFORMATIONAL ONLY |
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PROPOSED CONTESTED CASE DECISION – MIDWAY OIL COMPANY

Michael P. Murphy, Chief of the Legal Services Bureau presented the following item.

On June 1, 2001, the department issued Administrative Orders No. 2001-UT-21 and 2001-UT-22 to Midway Oil Company. The Orders required the company to perform necessary investigation and other compliance activities at two underground tank sites, and to pay penalties of \$7,300 and \$5,790 respectively. The Orders were appealed, and the matters proceeded to administrative hearing on February 24, 2003. The Administrative Law Judge issued the attached Proposed Decision on April 4, 2003. The decision affirms the Orders and penalties.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no

appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

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| NO ACTION TAKEN |
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REFERRALS TO THE ATTORNEY GENERAL

Michael P. Murphy, Chief of the Legal Services Bureau presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a) Dale Schaffer (Kent) – solid waste
- b) Larry Meixner, Air Bears II (Winnebago County [Thompson]) – drinking water/penalty

ITEM A DALE SCHAFFER (KENT) – SOLID WASTE

Mike Murphy briefed the Commission on this case. It involves illegal solid waste disposal and open burning in Kent, Iowa. An Administrative Order with a \$10,000 penalty was issued on August 21, 2002. The Order was not appealed, the waste was not cleaned up as directed, and the penalty was not paid.

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| <i>Motion was made by Lisa Davis Cook to refer Dale Schaffer to the Attorney General. Seconded by Darrell Hanson. Motion carried unanimously.</i> |
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| REFERRED |
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ITEM B LARRY MEIXNER, AIR BEARS II – DRINKING WATER/PENALTY

Mike Murphy stated that Mr. Meixner owns and operates the Air Bears II tavern in Thompson. The facility provides water to the public from its own well, and therefore is regulated under the Safe Drinking Water Act program. The facility failed to sample the drinking water for bacteria, nitrate, and nitrite as required. An Administrative Order with a \$300 penalty was issued on May 7, 2002. The Order was not appealed and the penalty was not paid. With the exception of the nitrite sample, the sampling has been done.

Motion was made by Darrell Hanson to refer Larry Meixner to the Attorney General. Seconded by Jerry Peckumn. Motion carried unanimously.

REFERRED

MONTHLY REPORTS

Wayne Giesleman, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT
April 1, 2003

| Proposal | Notice to Commission | Notice Published | Acr # | Review Committee | Rules Hearing | Comment Period | Summary to Commission | Final Rules Adopted | Rules Published | Acr # | Review Commission | Rules Rule Effective |
|--|----------------------|------------------|-------|------------------|----------------------|----------------|-----------------------|---------------------|-----------------|-------|-------------------|----------------------|
| 1. Ch. 20, Ch. 28 – Ambient Air Quality Standards (CAQ) | 7/22/02 | 8/21/02 | 1816B | 9/10/02 | 9/17, 24, 30, 10/2 | 10/04/02 | 4/2/03 | *4/2/03 | *5/14/03 | | *6/10/03 | *6/18/03 |
| 2. Ch. 22 – Controlling Pollution – Title V Operating Permit Fees | 2/17/03 | 3/19/03 | 2356B | 4/14/03 | 4/08/03 | 4/08/03 | *5/19/03 | *5/19/03 | *6/11/03 | | *7/08/03 | *7/16/03 |
| 3. Ch. 22 – Controlling Pollution – Title V Operating Permit Fees | | | | | | 2/17/03 | 2/17/03 | 3/19/03 | 2361B | | 4/14/03 | *4/23/03 |
| 4. Ch. 22 – Air Construction Permitting Exemptions | 4/22/03 | *5/04/03 | | *6/10/03 | | | *7/24/03 | *7/24/03 | *8/20/03 | | *9/08/03 | *9/24/03 |
| 5. Ch. 28 – Ambient AQ Sampling Manual | 8/19/02 | 9/18/02 | 1990B | 10/09/02 | 10/08, 15, 16, 23/02 | 11/01/02 | 4/2/03 | *4/2/03 | *5/14/03 | | *7/08/03 | *7/16/03 |
| 6. Ch. 61 – Water Quality Standards; Ch. 72 – Criteria for Approval | 12/16/02 | 1/08/03 | 2228B | 2/14/03 | 2/14-11/03 | 2/17/03 | *5/19/03 | *5/19/03 | *6/11/03 | | *7/08/03 | *7/16/03 |
| 7. Ch. 65 – Animal Feeding Operations; Ch. 70 – Flood Plain Development; Ch. 72 – Criteria for Approval (Confinement Feeding Operations on Flood Plains) | 12/16/02 | 1/08/03 | 2229B | 2/14/03 | 2/14, 6, 10/3 | 2/17/03 | 4/2/03 | *4/2/03 | *5/14/03 | | *6/10/03 | *6/18/03 |
| 8. Ch. 108 – Beneficial Use Determinations – Solid By-Products as Resources and Alternative Cover Material | 11/18/02 | 12/11/02 | 2666B | 1/07/03 | 1/08/03 | 1/08/03 | 2/17/03 | 2/17/03 | 3/19/03 | 2355B | 4/14/03 | *4/23/03 |
| 9. Ch. 109 – Special Waste Authorizations | 2/17/03 | 3/19/03 | 2357B | 4/14/03 | 4/08/03 | 4/08/03 | *5/19/03 | *5/19/03 | *6/11/03 | | *7/08/03 | *7/16/03 |
| 10. Ch. 116 – Registration of Waste Tire Haulers | 12/16/02 | 1/08/03 | 2230B | 2/14/03 | 1/29/03 | 1/29/03 | 3/17/03 | 3/17/03 | *4/16/03 | | *5/13/03 | *5/21/03 |

| Monthly Variance Report March, 2003 | | | | | | |
|--|---|-------------------------|---|---------------------------------|----------|----------|
| Item No. | Facility | Program | Engineer | Subject | Decision | Date |
| 1 | Ag Bio-Power LC-Toledo | Air Quality | | Permit Requirements | Denied | 03/24/03 |
| 2 | Cargill, Incorporated-Sioux City | Air Quality | | Permit Requirements | Approved | 03/04/03 |
| 3 | Lafarge North America-Buffalo | Air Quality | | Permit Requirements | Approved | 03/10/03 |
| 4 | Lafarge North America-Scott County-(Temporary Unit) | Air Quality | | Permit Requirements | Denied | 03/24/03 |
| 5 | Cedar Rapids, City of | Wastewater Construction | Anderson-Bogert Engineers & Surveyors, Inc. | Sewer Grade | Approved | 03/21/03 |
| 6 | Gruver, City of-(Iowa Rural Water Association) | Wastewater Construction | McClure Engineering Co. | Inter-Cell Structures Control | Approved | 03/26/03 |
| 7 | Gruver, City of-(Iowa Rural Water Association) | Wastewater Construction | McClure Engineering Co. | Pond Influent Piping | Approved | 03/26/03 |
| 8 | Gruver, City of-(Iowa Rural Water Association) | Wastewater Construction | McClure Engineering Co. | Directional Boring, Sewer Slope | Approved | 03/26/03 |
| 9 | Gruver, City of-(Iowa Rural Water Association) | Wastewater Construction | McClure Engineering Co. | Cleanouts | Approved | 03/26/03 |
| 10 | Gruver, City of-(Iowa Rural Water Association) | Wastewater Construction | McClure Engineering Co. | Valve Pit | Approved | 03/26/03 |
| 11 | Gruver, City of-(Iowa Rural Water Association) | Wastewater Construction | McClure Engineering Co. | Number of Lagoon Cells | Approved | 03/26/03 |

| | | | | | | |
|--------|--|--------------------------|----------------------------|-----------------------|----------|----------|
| 1 2 | Gruver, City of-(Iowa Rural Water Association) | Wastewater Construction | McClure Engineering Co. | Manhole Spacing | Approved | 03/26/03 |
| 1 3 | Gruver, City of-(Iowa Rural Water Association) | Wastewater Construction | McClure Engineering Co. | Minimum Sewer Size | Approved | 03/26/03 |
| 1 4 | Mason City, City of | Wastewater Construction | WHKS & Co. | Sewer Grade | Approved | 03/31/03 |
| 1 5 | West/High Amana Sanitary District-Iowa County | Wastewater Construction | Howard R. Green Co. | Minimum Sewer Size | Approved | 03/07/03 |
| 1 6 | West/High Amana Sanitary District-Iowa County | Wastewater Construction | Howard R. Green Co. | Manhole Spacing | Approved | 03/07/03 |
| 1 7 | Wellman, City of | Flood Plain | Hart-Frederick Consultants | Protection Level | Approved | 03/10/03 |
| 1 8 | Boone, City of | Wastewater Operation | | Monitoring Frequency | Approved | 03/26/03 |
| 1 9 | Boone, City of | Wastewater Operation | | Monitoring Parameters | Approved | 03/26/03 |
| 2 0 | Boone County Sanitary Landfill | Solid Waste | | Waste Tire Management | Approved | 03/07/03 |
| 2 1 | Bloomer Elementary School-Council Bluffs | Watersupply Construction | Art Becker | Siting Criteria | Approved | 03/20/03 |
| 2 2 | Camp Tanglefoot-Clear Lake | Watersupply Construction | Yaggy Colby Associates | Siting Criteria | Approved | 03/10/03 |

During the period March 1, 2003, through March 31, 2003, 38 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

| Substance | Mode | | | | | | | | | | |
|-----------|-----------|-----------------|---------------|--------------------|-----------------|--------------------|-----------|----------|----------|-------|---------|
| | Month | Total Incidents | Agri-chemical | Petroleum Products | Other Chemicals | Transport Facility | Fixed | Pipeline | Railroad | Fire | Other* |
| | October | 55 (73) | 4 (9) | 40 (51) | 11 (13) | 18 (28) | 32 (36) | 1 (2) | 2 (0) | 0 (2) | 2 (5) |
| | November | 57 (72) | 13 (8) | 29 (49) | 15 (15) | 18 (28) | 36 (33) | 0 (2) | 0 (1) | 1 (0) | 2 (8) |
| | December | 40 (57) | 2 (2) | 27 (44) | 11 (11) | 12 (22) | 24 (28) | 1 (2) | 2 (0) | 0 (2) | 1 (3) |
| | January | 40 (81) | 6 (4) | 17 (59) | 17 (18) | 12 (21) | 24 (53) | 1 (0) | 2 (3) | 0 (0) | 1 (4) |
| | February | 39 (62) | 1 (4) | 29 (44) | 9 (14) | 11 (20) | 18 (37) | 1 (1) | 6 (2) | 0 (1) | 3 (1) |
| | March | 38 (93) | 5 (8) | 22 (68) | 11 (17) | 8 (27) | 24 (57) | 1 (1) | 2 (1) | 0 (3) | 3 (4) |
| | April | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| | May | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| | June | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| | July | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| | August | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| | September | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| | Total | 269 (438) | 31 (35) | 164 (315) | 74 (88) | 79 (146) | 158 (244) | 5 (8) | 14 (7) | 1 (8) | 12 (25) |

(numbers in parentheses for same period last year)

*Other includes dumping, theft, vandalism and unknown

Total Number of Incidents Per Field Office This

| | | | | | |
|---|---|---|---|----|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| 9 | 5 | 5 | 3 | 10 | 6 |

Iowa Department of Natural Resources Environmental Services Division Report of Manure Releases

During the period March 1, 2003, through March 31, 2003, 1 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

| Month | Total Incidents Impacts | Feedlot Application | Confinement Water | Land | Transport | Hog | Cattle | Fowl | Other | Surface |
|----------|-------------------------|---------------------|-------------------|-------|-----------|--------|--------|-------|-------|---------|
| October | 10 (4) | 0 (0) | 5 (2) | 1 (2) | 4 (0) | 9 (3) | 1 (0) | 0 (1) | 0 (0) | 1 (2) |
| November | 12 (9) | 0 (1) | 4 (2) | 3 (2) | 5 (4) | 12 (8) | 0 (1) | 0 (0) | 0 (0) | 0 (1) |
| December | 5 (3) | 0 (0) | 1 (2) | 0 (0) | 3 (1) | 3 (2) | 0 (0) | 1 (1) | 0 (0) | 0 (1) |
| January | 3 (1) | 0 (0) | 2 (1) | 0 (0) | 0 (0) | 2 (1) | 0 (0) | 0 (0) | 0 (0) | 1 (0) |
| February | 1 (0) | 0 (0) | 1 (0) | 0 (0) | 0 (0) | 1 (0) | 0 (0) | 0 (0) | 0 (0) | 1 (0) |
| March | 1 (3) | 0 (0) | 1 (1) | 0 (1) | 0 (1) | 1 (2) | 0 (1) | 0 (0) | 0 (0) | 0 (1) |
| April | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |

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|--------------|----------------|--------------|---------------|--------------|--------------|----------------|--------------|--------------|--------------|--------------|
| May | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| June | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| July | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| August | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| September | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| Total | 32 (20) | 0 (1) | 14 (8) | 4 (5) | 0 (0) | 28 (16) | 1 (2) | 1 (2) | 0 (0) | 3 (5) |

(numbers in parentheses for the same period last year)
Total Number of Incidents Per Field Office This

| | | | | | |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| 0 | 0 | 1 | 0 | 0 | 0 |

TO: EPC
FROM: Mike Murphy
RE: Enforcement Report Update

The following new enforcement actions were taken last month:

| Name, Location and Field Office Number | Program | Alleged Violation | Action | Date |
|--|--------------------------|--|------------------------|---------|
| Natural Pork Production II, L.L.C., Shelby Co. (4) | Animal Feeding Operation | Record Keeping; Application in Excess of Crop Usage Rates | Order/Penalty \$5,000 | 2/27/03 |
| Dan Fox d/b/a Modern Manure Hauling; Jason Fox; Larry T. Peterson, Shelby Co. (4) | ing Operation | Record Keeping; Application in Excess of Crop Usage Rates; License Discipline | Order/Penalty \$5,000 | 2/27/03 |
| Bulk Petroleum Corporation; Store #573, Des Moines (5) | Underground Tank | Record Keeping; Leak Detection | Order/Penalty \$5,000 | 2/27/03 |
| Holiday Mobile Lodge, Inc.; Alberhasky Family Farm Ltd. Partnership; Allie Alberhasky, Iowa City (6) | Air Quality Solid Waste | Open Burning; Illegal Disposal | Order/Penalty \$4,000 | 3/15/03 |
| Hoefer Pumping, L.L.C., Black Hawk Co. (1) | Animal Feeding Operation | Land Application Separation Distance; Water Quality Violations – General Criteria | Order/Penalty \$3,000 | 3/11/03 |
| Greig & Company, Inc., Emmet Co. (3) | Animal Feeding Operation | Prohibited Discharge – Confinement; Restitution for Wild Animals | Consent Order \$25,000 | 3/12/03 |
| David Elias, Iowa City (6) | Wastewater | Certified Operator Discipline | Order/Penalty \$1,000 | 3/21/03 |
| Dennis Huedepohl; Breckenridge Estates, Iowa City (6) | Wastewater | Monitoring/Reporting | Order/Penalty \$500 | 3/21/03 |
| Will Axmear; Pine Meadows L.L.C., Keokuk Co. (6) | Animal Feeding Operation | Application in Excess of Crop Usage Rate; Prohibited Discharge – Confinement; Failure to Report a Release; Water Quality Violations – General Criteria; Uncertified Applicator | Order/Penalty \$4,000 | 3/21/03 |
| Tim Schrock; Devon Schrock, Washington Co. (6) | Animal Feeding Operation | Prohibited Discharge – Open Feedlot | Order/Penalty \$4,000 | 3/21/03 |
| James Bolter, Kalona (6) | Animal Feeding Operation | Prohibited Discharge – Confinement; Failure to Report a Release | Order/Penalty \$5,000 | 3/21/03 |
| Kyle Janes, Alden (2) | Animal Feeding Operation | Failure to Submit Plan | Order/Penalty \$500 | 3/21/03 |
| Brogan's Pub & Grub, Palo (1) | Drinking Water | Monitoring/Reporting – Bacteria; Operational Violations; Public Notice | Order/Penalty \$750 | 3/21/03 |
| Lee Buhr; Meadow Mist Motel; Park View Motel, Oelwein (1) | Drinking Water | Monitoring/Reporting – Nitrate, Bacteria; Public Notice | Referred to AG | 3/17/03 |
| Dave Paplow, Indianola (5) | Air Quality Solid Waste | Open Burning; Illegal Disposal | Referred to AG | 3/17/03 |
| John Jolin; Michael Kolbold, Sioux City (3) | Underground Tank | UST Closure | Referred to AG | 3/17/03 |
| Bulk Petroleum Corporation, #8608867; #9517820, | Underground Tank | Record Keeping | Referred to AG | 3/17/03 |

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Bondurant, Des Moines (5)

| | | | | |
|---|--------------------------|--|--------------------------|---------|
| Wisconsin North L.L.C.; K & K Food & Gas, Inc.; Khushal Singh, Davenport (6) | Underground Tank | Leak Detection; Remedial Action; Failure to Report a Release | Referred to AG | 3/17/03 |
| Gary Muller, Grissold (4) | Animal Feeding Operation | Prohibited Discharge - Confinement | Order/Penalty \$5,000 | 3/27/03 |

IOWA DEPARTMENT OF NATURAL RESOURCES COMPLIANCE AND ENFORCEMENT BUREAU

DATE: April 1, 2003
TO: Environmental Protection Commission
FROM: Michael P. Murphy
SUBJECT: Summary of Administrative Penalties

The following administrative penalties are due:

| NAME/LOCATION | PROGRAM | AMOUNT | DUE DATE |
|--|-----------|--------|----------|
| Bill Dettman d/b/a Dettman Oil Co. (Fonda) | UT | 2,800 | 9-15-94 |
| M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center) | UT | 1,000 | 8-30-95 |
| Keith Owens and Howard Maurer (Wilton) | UT | 3,100 | 1-01-96 |
| Ronald Slocum; Tammy Lynn Determan (Marshall Co.) | SW | 10,000 | 5-24-97 |
| Sale-R-Villa Const., Inc. (Perry) | AQ | 7,000 | 4-28-98 |
| Otter Creek Station (Dubuque Co.) | WS | 325 | 3-04-99 |
| Charlie's Supper Club (Algona) | WS | 100 | 7-01-99 |
| Dorchester Supper Club (Dorchester) | WS | 100 | 3-08-00 |
| Plain Salvage Inc. (Sac City) | AQ/SW | 10,000 | 5-12-00 |
| Don Casterline; Myron Casterline (Van Wert) | UT | 2,000 | 6-14-00 |
| R & R Ranch (Osceola) | WW | 10,000 | 8-30-00 |
| Robert Watson (Grissold) | UT | 1,700 | 9-03-00 |
| Mt. Joy Mobile Home Park (Davenport) | WS | 1,500 | 11-23-00 |
| Country Stores of Carroll, Ltd. (Carroll) | UT | 4,700 | 1-17-01 |
| Alice Hillhouse; Hillhouse Real Estate Corp. (Denison) | UT | 3,000 | 2-28-01 |
| Paul Riha d/b/a Riha Auto Sales (Vining) | UT | 1,200 | 5-06-01 |
| Iowa Skate U (Iowa Falls) | WS | 500 | 5-11-01 |
| Dallas O'Neal; Linda O'Neal (Council Bluffs) | UT | 750 | 6-05-01 |
| Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids) | UT | 6,380 | 7-06-01 |
| David and Marie Phillips (Milo) | WW | 1,300 | 7-09-01 |
| T V S, Inc.; Thomas Kockler d/b/a The Van Shack (Manly) | AQ | 2,000 | 7-28-01 |
| Keith Craig; The Farm (Council Bluffs) | UT | 3,890 | 8-08-01 |
| James Harter (Fairfield) | WW | 1,800 | 8-01-01 |
| Carpenter Bar & Grill (Carpenter) | WS | 100 | 9-28-01 |
| Minnesota Rubber Company (Mason City) | AQ | 1,000 | 9-30-01 |
| * R.V. Hopkins, Inc. (Davenport) | AQ | Int. | 10-01-01 |
| Mark Buringrud fdba Carpenter Bar & Grill (Carpenter) | WS | 2,500 | 10-26-01 |
| Jerry Feilen and Rick Bain (Pottawattamie Co.) | AQ/SW | 4,000 | 10-27-01 |
| Louisa County Regional Solid Waste Agency | SW | 1,250 | 10-27-01 |
| Elite, Ltd.; FS Energy Fuel 24, LLC; Roger Kanne | UT | 3,400 | 12-03-01 |
| Crestview Trailer Park (Ames) | WS | 2,500 | 1-28-02 |
| Coralville, City of | WW | 3,000 | 2-11-02 |
| # Norm O'Bannon d/b/a O'Bannon Finishing (Buena Vista Co.) | AFO/SW | 2,500 | 2-14-02 |
| # Troy DeGroote; Casey DeGroote (Butler Co.) | AFO/AQ/SW | 1,100 | 3-08-02 |
| Days Inn 2 nd Addition (Williamsburg) | WS | 10,000 | 4-07-02 |
| Iowa Coaches, Inc.; David Sherman (Dubuque) | UT | 3,960 | 5-03-02 |
| Honey Creek Campground (Crescent) | WS | 1,000 | 4-30-02 |
| Iowa Skate U (Iowa Falls) | WS | 600 | 5-11-02 |
| # Practical Pig Corporation (Clinton Co.) | AFO | 2,000 | 5-26-02 |
| Ellis Implement, Inc.; Douglas Shaffer (Coggon) | UT | 2,170 | 6-25-02 |
| Sid's Gas & Groceries (Forest City) | WS | 200 | 6-26-02 |

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| | | | |
|--|-------|--------|----------|
| Coin, City of | WS | 250 | 6-28-02 |
| St. John's Lutheran Church (Greene) | WS | 250 | 7-02-02 |
| Leonard Anderson (Linn Grove) | UT | 1,160 | 7-09-02 |
| Mitchell Town Pump (Mitchell) | WS | 500 | 7-09-02 |
| Air Bears II (Thompson) | WS | 300 | 7-13-02 |
| Robert Marburger (Sabula) | UT | 2,940 | 7-15-02 |
| * Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.) | SW | 1,750 | 9-15-02 |
| Brett George d/b/a Cedar Valley Tree Service; John Sohm | AQ/SW | 1,750 | 9-15-02 |
| Midway Oil Co.; David Requet (Davenport) | UT | 6,430 | 9-20-02 |
| Dan Carnicle; Beaver Service & Repair; Sharon Carnicle | UT | 2,500 | 10-04-02 |
| * John Smith d/b/a Four Corners Tap (Lockridge) | AQ/SW | 350 | 10-15-02 |
| Dale Schaffer (Union Co.) | AQ/SW | 10,000 | 11-05-02 |
| Rayburn Court for Mobile Homes (Mason City) | WS | 500 | 11-24-02 |
| Matter's Ballroom (Decorah) | WS | 300 | 11-29-02 |
| * Joe & Mary Schuster d/b/a Better-Flo (Callendar) | AQ/SW | 700 | 12-15-02 |
| Wilbur McNear d/b/a McNear Oil Co. (Onawa) | UT | 5,930 | 12-17-02 |
| Finley Mondia (West Chester) | UT | 6,430 | 12-23-02 |
| Sanborn P & L, Inc.; Douglas R. Bras (Sioux City) | UT | 3,040 | 1-06-03 |
| Richard Ogden (Manchester) | WS | 2,500 | 1-07-03 |
| Jeff Reed d/b/a Reed's Service (Lenox) | UT | 7,250 | 1-12-03 |
| * George Redman (Mitchellville) | AQ | 2,267 | 1-15-03 |
| Allan Scott (Marion Co.) | SW/WW | 1,150 | 1-15-03 |
| # Carl Simon (Dubuque Co.) | AFO | 5,000 | 1-17-03 |
| # Dave Jones (Union Co.) | AFO | 1,550 | 2-14-03 |
| Monsanto Company (Aplington) | AQ | 3,000 | 2-14-02 |
| * Moonshine Tap (New Hampton) | WS | 250 | 2-15-03 |
| * Winter Mobile Home Park (New Hampton) | WS | 250 | 2-15-03 |
| U.S. Petro, Inc.; SSJG Petroleum; Sukhdev Singh | UT | 32,690 | 2-28-03 |
| Midway Oil Co.; David Requet; John Bliss | UT | 44,900 | 2-28-03 |
| Duane Crees (Muscatine Co.) | AQ/SW | 1,160 | 3-01-03 |
| *#Roger Bockes, et. al. (Tama Co.) | AFO | 1,300 | 3-01-02 |
| Lidderdale, City of | WS | 500 | 3-04-03 |
| Cargill, Inc. (Cedar Rapids) SEP | AQ | 1,000 | 3-11-03 |
| Nevada, City of SEP | WW | 3,000 | 3-14-03 |
| Iowa City Ready Mix, Inc. (Iowa City) | WW | 1,000 | 4-19-03 |
| *#Robert Fisher (Hamilton Co.) | AFO | 1,000 | 4-01-03 |
| * Allison, City of | AQ | 2,000 | 4-01-03 |
| * Rocky Knoll Mobile Home Park (Forest City) | WS | 1,400 | 4-01-03 |
| Lidderdale, City of | WW | 10,000 | 4-08-03 |
| Bernard H. Cohrs; Cohrs Construction Co. (Dickinson Co.) | AQ/SW | 7,000 | 4-09-03 |
| * Paul L. Nagle (Clear Lake) | AQ | 400 | 4-15-03 |
| John and Bernice Danner (Lucas Co.) | WW | 2,000 | 4-28-03 |
| Bulk Petroleum Corp.; Store #573 (Des Moines) | UT | 5,000 | 5-06-03 |
| # Hoefer Pumping, LLC (Black Hawk Co.) | AFO | 3,000 | 5-14-03 |
| * Kiefer Built, Inc. (Kanawha) | AQ | 2,500 | 5-30-03 |
| *#Harold Selim (Union Co.) | AFO | 500 | 6-01-03 |
| * Bog's Bar (Langworth) | WS | 200 | 6-19-03 |
| Midwest Farmers Coop (Sheldon) Natural Resources Damages | WW | 75,000 | 6-30-03 |
| * Quality Mat Co., Inc. (Waterloo) | AQ | 2,863 | 12-15-03 |
| Independence Mobile Home Park (Independence) | WS | 800 | ----- |
| Deer Ridge Estates (Ottumwa) | WS | 100 | ----- |
| Alva Parker (Ringgold/Union Co.) | AQ/SW | 10,000 | ----- |
| Scooter's Tower Club (Cresco) | WS | 500 | ----- |
| Green Valley Mobile Home Park (Mt. Pleasant) | WW | 5,000 | ----- |
| # Natural Pork Production, II LLC (Shelby Co.) | AFO | 5,000 | ----- |
| # Greig & Co., Inc. (Emmet Co.) | AFO | 5,000 | ----- |
| David Elias (Iowa City) | WW | 1,000 | ----- |
| Dennis Huedepohl; Breckenridge Estates (Iowa City) | WW | 500 | ----- |

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| | | | |
|---|-----|-------|-------|
| # Will Axmear; Pine Meadows, LLC (Keokuk Co.) | AFO | 4,000 | ----- |
| # Tim Schrock; Devon Schrock (Washington Co.) | AFO | 4,000 | ----- |
| # James Boller (Kalona) | AFO | 5,000 | ----- |
| # Kyle Janes (Hardin Co.) | AFO | 500 | ----- |
| Brogan's Pub & Grub (Palo) | WS | 750 | ----- |
| # Gary Muller (Griswold) | AFO | 5,000 | ----- |

TOTAL 430,285

The following cases have been referred to the Attorney General:

| | | | |
|--|----------|----------------|----------|
| Donald P. Ervin (Ft. Dodge) | SW | 669 | 3-05-90 |
| Robert and Sally Shelley (Guthrie Center) | SW | 1,000 | 3-04-91 |
| Verna and Don Reed; Andrea Silsby (Union Co.) | SW | 1,000 | 4-07-94 |
| Relative, Inc.; Doug Smuck (Des Moines) | UT | 3,070 | 10-11-94 |
| Relative, Inc.; Doug Smuck (Des Moines) | UT | 600 | 10-11-94 |
| Paul Underwood d/b/a Underwood Excavating (Cedar Rapids) | AQ | 4,000 | 3-24-95 |
| Oscar Hahn (Solon) | AQ/SW | 2,000 | 8-29-95 |
| Randy Ballard (Fayette Co.) | FP | 2,000 | 5-30-95 |
| Long Branch Tavern (Monmouth) | WS | 100 | 5-01-96 |
| Long Branch Tavern (Monmouth) | WS | 6,400 | 10-28-96 |
| Long Branch Tavern (Monmouth) | WS | 200 | 3-18-97 |
| Dean Williams d/b/a Williams Oil Co. (Stuart) | UT | 4,800 | |
| Don Grell d/b/a Dodger Enterprises (Ft. Dodge) | AQ | 10,000 | 2-16-93 |
| Robert Jeff White (Dallas Co.) | AQ/SW | 10,000 | 7-14-97 |
| Edward Bodensteiner (Des Moines) | UT | 3,200 | 3-31-96 |
| James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.) | AQ/SW | 2,000 | 2-16-98 |
| *Ken Frese (Keokuk Co.) | AQ/SW | 175 | 1-09-97 |
| Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.) | SW | 6,000 | 1-20-96 |
| Patrick McCoy (Keokuk Co.) | AQ/SW | 2,000 | 2-10-96 |
| Russell Barkema d/b/a Barkema Construction (Wright Co.) | AQ/SW | 1,000 | 3-31-98 |
| Action Jack's Paintball Park (Polk Co.) | SW/FP | 10,000 | 11-07-98 |
| #Harold Unternahrer (Washington Co.) | AFO | 700 | 5-01-99 |
| Hofer's Danceland Ballroom (Walford) | WS | 3,200 | 4-19-97 |
| Hofer's Danceland Ballroom (Walford) | WS | 100 | 4-23-99 |
| Ray Stamper; Bryan Zenor (Polk Co.) | SW | 2,000 | 12-12-98 |
| Russell Zook d/b/a Haskin's Recycling (Washington Co.) | AQ/SW | 5,000 | 12-19-98 |
| Phillips Recycling; Jeff Phillips (Story Co.) | WW | 1,800 | 3-06-99 |
| Greg Morton; Brenda Hornyak (Decatur Co.) | SW/AQ/WW | 3,000 | 11-04-98 |
| Jim Walker (Johnson Co.) | AQ/SW | 3,000 | 2-14-99 |
| Iowa Millenium Investors, LLC (Summer) | UT | 4,000 | 10-12-99 |
| Daryl & Karen Hollingsworth d/b/a Medora Store(Indianola) | UT | 10,000 | |
| Ralene Hawkins d/b/a R.J. Express Salvage & Demolition; Clara Lindstadt (Des Moines Co.) | AQ/SW | 1,000 | 7-01-00 |
| Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids) | SW | 5,000 | 1-23-00 |
| Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.) | SW/WW | 10,000 | 5-26-00 |
| * Lester Holmes; Todd Holmes (Lucas County) | AQ | 4,000 | 10-15-00 |
| Crestview Mobile Home Park (Ames) | WW | 10,000 | 8-30-00 |
| 10 th Hole Food & Spirits (Calamus) | WS | 1,000 | 3-14-00 |
| Lindhahl & Sons Salvage (Boone) | AQ/SW | 10,000 | 11-29-00 |
| Wisconsin North dba National Petroleum, Inc. (Clinton) | UT | 5,000 | 8-04-01 |
| Wisconsin North dba National Petroleum (Clinton) | UT | 2,840 | 8-21-01 |
| Michael Bauer (Davenport) | UT | 5,100 | 3-13-01 |
| Dennis Seversson d/b/a Huxley Dry Cleaners (Huxley) | AQ | 4,500 | 8-01-01 |
| Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.) | SW | 10,000 | 9-18-01 |
| Marvin Oberly (Burlington) | WW | 1,300 | 6-27-01 |
| Richard Davis (Monroe Co.) | AQ | 8,000 | 6-25-02 |
| M-F Real Estate; Fred "Butch" Levell (Carter Lake) | HC | 3,200 | 8-18-02 |
| Ryan Barton; Theresa Barton (Kellerton) | AQ/SW | 1,000 | 5-27-02 |
| Jerry Chatfield; North Iowa Truck and Tractor (Floyd) | SW/WW | 3,000 | 8-18-02 |
| Mobile World, L.C. (Camanche) | WW | 2,000 | 5-27-02 |
| Vessel Systems, Inc. (Dubuque) | AQ | 10,000 | 5-31-02 |
| Oran Pub & Grill (Fairbank) | WS | 100 | 6-03-02 |
| # John C. Kelso (Worth Co.) | AFO | 1,500 | 7-29-02 |
| M.A., Inc.; Spring Grove Mobile Home Park (Burlington) | WW | 7,000 | 11-01-02 |
| M.A., Inc.; Westside Park for Mobile Homes (Lee Co.) | WW | 7,000 | 11-01-02 |
| Van Meter Development Corp.; Whispering Pines (Van Meter) | WW | 2,000 | 12-01-02 |
| Harry F. Trafton; Trafton Enterprises; Interstate Lounge | UT | 6,800 | 1-13-03 |
| # Dave Hansel (Hamilton Co.) | AFO | 1,300 | 1-26-02 |
| Bulk Petroleum Corp.; Break Point Stores #537 (Bondurant) | UT | 1,000 | 12-02-01 |
| Bulk Petroleum Corp.; Four Mile Texaco #536 (Des Moines) | UT | 1,000 | 12-02-01 |
| John Jolin; Michael Kolbold (Sioux City) | UT | 5,760 | 6-23-02 |
| Dave Paplow (Indianola) | AQ/SW | 5,000 | 7-05-02 |
| Meadow Mist Motel (Fayette Co.) | WS | 500 | 8-12-02 |
| Park View Motel (Oelwein) | WS | 750 | 9-06-02 |
| TOTAL | | 239,664 | |

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The following administrative penalties have been appealed:

| NAME/LOCATION | PROGRAM | AMOUNT |
|--|---------|--------|
| Titan Wheel International, Inc. (Walcott) | WW | 10,000 |
| Dennis Malone & Joanne Malone (Morning Sun) | UT | 600 |
| Dallas County Care Facility (Adel) | WW | 2,500 |
| Richard Sprague (Tripoli) | AQ/SW | 5,000 |
| Brittany Estates Addition (Manchester) | WS | 4,000 |
| Robert Freese; Elizabeth Mathes (Washington Co.) | SW | 1,000 |
| Robert Diehl (Clarke Co.) | WW/WS | 5,000 |
| * Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.) | SW | 5,000 |
| # Bernadette Ryan (Delaware Co.) | AFO | 3,000 |
| Dayton, City of | WW | 10,000 |
| Gerald and Judith Vens (Scott Co.) | FP | 5,000 |
| Affordable Asbestos Removal, Inc.; Jeffery Intlekofer (Ft. Madison) | AQ | 10,000 |
| # Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.) | AFO | 3,000 |
| # Dan Witt (Clinton Co.) | AFO | 3,000 |
| Twin Anchors R.V. Resort, Inc. (Story Co.) | WW | 5,000 |
| # Thomas and Jane Kronlage (Coggon) | AFO | 3,000 |
| Freisen of Iowa, Inc. (Storm Lake) | AQ | 10,000 |
| Linwood Mining & Minerals Co. (Davenport) | AQ | 10,000 |
| R. Excavating, Inc.; Randy Golden (Pottawattamie Co.) | WW | 10,000 |
| # Floyd Kroeze (Butler Co.) | AFO | 3,000 |
| # Burco Farms, Inc. (Buchanan Co.) | AFO | 3,000 |
| Wayne Wheatley; Wheatley Auto and Truck Service (Walnut) | UT | 3,900 |
| Noble Ford Mercury, Inc. (Indianola) | WW | 5,000 |
| John Hoth (Tama) | UT | 9,250 |
| Tama Beef Packing, Inc. (Tama) | WW/SW | 1,000 |
| Bulk Petroleum Corp. dba Citgo No. 596 (Des Moines) | UT | 1,600 |
| Midway Oil Company (West Branch) | UT | 7,300 |
| Midway Oil Company (Davenport) | UT | 5,790 |
| Long Branch Maintenance Corp. (Earlham) | WW | 5,000 |
| Earlham, City of | WW | 10,000 |
| Lenertz, Inc.; Fred G. Lenertz; Lawrence Lenertz (Tama) | UT | 10,000 |
| Sir Fredericks, Inc.; Fred Scherle (Ankeny) | UT | 2,280 |
| Feeders Grain Supply; James & Carolyn Curtis (Corning) | WW/HC | 6,000 |
| LeMars, City of | WW | 10,000 |
| Dallas County Care Facility (Adel) | WW | 5,000 |
| # Max and Phyllis Graber; Burdean Graber (Washington Co.) | AFO | 2,000 |
| Keith Shoterau; Hopp Construction Co. (Shelby Co.) | WW | 5,000 |
| Roger Eblen; Eblen Develop.; Duane Menke; Negus-Sons (Whispering Woods - Council Bluffs) | WW | 10,000 |
| Robert Ward (Lee Co.) | WW | 1,450 |
| Partners Four Investments, Inc. (Marble Rock) | UT | 5,280 |
| Mike Messerschmidt (Martinsburg) | AQ/SW | 500 |
| Well's Dairy, Inc. (LeMars) | WW | 10,000 |
| William Habhab (Fort Dodge) | SW | 1,500 |
| Dennis Frederickson; Mark Frederickson (Cass Co.) | AQ/SW | 5,000 |
| Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash | WW | 10,000 |
| Jones Co. Conservation Board; Central Park | WS | 250 |
| Arthur, City of | WW | 2,000 |
| # Avery Feeder Pig Co. (Humboldt Co.) | AFO | 3,000 |
| Wellington Environmental (Davenport) | AQ | 4,000 |
| # Swine Graphic Enterprises; ADL V Sow Farm (Clarke Co.) | AFO | 1,000 |
| James Wilson; Retha Wilson; William Wilson (Shenandoah) | UT | 4,740 |
| Emer Carlson (Fairfield) | AQ | 6,500 |
| Deer Track Subdivision; F & J Enterprises (Mills Co.) | WW | 4,000 |
| ITWC, Inc. (Brooklyn) | AQ | 7,500 |
| Marion F. Murray; Murray's Transfer & Storage (Davenport) | UT | 2,480 |
| Wellington Environmental (Iowa City) | AQ | 1,000 |
| Grinnell Properties, Inc.; David Hamilton (Grinnell) | UT | 5,920 |
| Kevin Wallerich (Keota) | SW/WW | 500 |
| # Frank Siemens (Wright Co.) | AFO | 3,000 |
| # Doug Wedemeyer (Adair Co.) | AFO | 2,500 |

| | | |
|---|--------------|----------------|
| Waukon Golf and Country Club (Waukon) | UT | 2,480 |
| Mt. Pleasant, City of | WW | 500 |
| Lehigh Portland Cement Co. (Mason City) | WS | 300 |
| Richard and Charlotte Caves (Oskaloosa) | HC | 10,000 |
| Garry B. Pellett; Pellett Chemical Co.; Charles R. South | UT | 2,645 |
| Clifton Clark (Moorhead) | AQ/SW | 1,500 |
| # Kenneth Dahlhauser (Whittemore) | AFO | 2,500 |
| Peter Cook (Grand Mound) | AQ/SW | 5,000 |
| Stanley Siems (Hardin Co.) | AQ/SW | 7,500 |
| Caldwell Meats, Inc.; James Caldwell (Marshalltown) | UT | 1,990 |
| Walker Brothers Livestock Corp. (Washington) | WW | 5,000 |
| # Iowa Select Farms, L.P.; Stockdale Sow Unit (Hardin Co.) | AFO | 10,000 |
| Sully Transport; Bice Oil Co.; Tim Bice (Guthrie Co.) | WW/HC | 5,000 |
| Schell Family Partnership (Boone Co.) | HC/SW | 5,000 |
| River City Development; Russell Hardy (Mason City) | UT | 2,480 |
| Chelsea, City of | WW | 3,000 |
| Lewis Contracting Co.; Randy Lewis (Red Oak) | WW | 3,500 |
| Carleton Tansport Service, Inc. (Sioux Rapids) | WW/HC | 5,000 |
| # Glen Samuelson (Adams Co.) | AFO | 1,000 |
| # Merrell Butler (Adams Co.) | AFO | 1,000 |
| # Butler Custom Pumping, Inc.; Robert Butler (Adams Co.) | AFO | 2,500 |
| Larry Whitehead (Sidney) | UT | 10,000 |
| # Donald Kurtenbach (Chickasaw Co.) | AFO | 3,000 |
| # Anthony Wendler (Emmet Co.) | AFO/SW | 3,000 |
| # Kuntz Farms, Inc. (Des Moines Co.) | AFO | 1,000 |
| Ankeny, City of | WW | 10,000 |
| Diwan, LLC; Ranbir Thakur (Davenport) | UT | 10,000 |
| Landfill of Des Moines, Inc. (West Des Moines) | SW | 10,000 |
| # Doug Osweiler (South English) | AFO | 5,000 |
| Interstate Grain, Inc. (Mason City) | AQ | 4,000 |
| Cass County; Cass County Engineer | AQ | 5,000 |
| Audubon, City of | WW | 10,000 |
| C.J. Moyna & Sons, Inc. (Elkader) | WW | 10,000 |
| Langman Construction, Inc. (Bettendorf) | WW | 10,000 |
| # Ray Slach (Cedar Co.) | AFO | 3,000 |
| # Iowa Select Farms, LP; Swartz Finisher Farm (Hardin Co.) | AFO | 500 |
| # Einck Dairy; D & J Pumping (Winneshek Co.) | AFO | 4,000 |
| Fran-Gard Properties, Inc.; Frank Gardner (Cedar Rapids) | WW | 10,000 |
| Champion Environmental Services, Inc. (Muscatine) | AQ | 10,000 |
| Holiday Mobile Lodge, Inc.; Allie Alberhasky (Iowa City) | AQ/SW | 4,000 |
| # Daniel E. Wilson (Prairie City) | AFO | 2,000 |
| # Dan Fox d/b/a Modern Manure Hauling; Jason Fox; Larry Peterson (Shelby Co.) | AFO | 5,000 |
| | TOTAL | 499,735 |
| The following administrative penalties were paid last month: | | |
| NAME/LOCATION | PROGRAM | AMOUNT |
| * Rocky Knoll Mobile Home Park (Forest City) | WS | 600 |
| * Paul L. Nagle (Clear Lake) | AQ | 100 |
| Al's Corner Oil Co. d/b/a Sparky's (Bayard) | AQ | 1,000 |
| *#Robert Fisher (Hamilton Co.) | AFO | 100 |
| * Allison, City of | AQ | 500 |
| # Puck Custom Enterprises, Inc. (Manning) | AFO | 2,500 |
| Braddyville, City of | WW | 1,000 |
| #*Cedar Valley Egg Farm (Benton Co.) PAID IN FULL | AFO | 2,000 |
| * Monte Lapel (Crawford Co.) PAID IN FULL | SW | 325 |
| Ames, City of | AQ | 5,000 |
| Thombert, Inc. (Newton) | AQ | 2,500 |

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| | | |
|--|-----|---------------|
| The Sherwin-Williams Company (Decorah) Damages Claim | HC | 5,000 |
| # Ysselstein Dairy, Inc. (Sioux Co.) | AFO | 5,000 |
| Atlantic, City of | WW | 3,500 |
| # Carstens Livestock, Inc. (Bagley) | AFO | 4,000 |
| #*Mark Pearson (Adams Co.) | AFO | 165 |
| Hidden Valley Mobile Home Park (Washington) | WW | 200 |
| TOTAL | | 33,490 |

Department of Natural Resources Environmental Protection Commission Attorney General Report

| Name, Location and Region Number | PROGRAM | Alleged Action | DNR Action | New or Updated Status | Date |
|--|-----------------------------|---|---------------------------------|---|---|
| ABC Disposal Systems Hiawatha (1) | Solid Waste | DNR Defendant | Defense | Petition Filed Answer Petitioner's Brief State's Brief Hearing Ruling for State Notice of Appeal | 6/26/02 7/17/02 8/30/02 9/18/02 10/07/02 12/26/02 1/28/03 |
| Affordable Asbestos Removal, Inc.; Jeffrey Intelkofer Iowa City (6) UPDATED | Air Quality | Asbestos | Referred to Attorney General | Referred Petition Filed Motion for Partial Summary Judgment Ruling Denying Motion Trial | 3/20/00 4/19/00 2/26/01 4/20/01 3/31 to 4/02/03 |
| Affordable Asbestos Removal, Inc. Jeffrey Intelkofer Iowa City (6) | Air Quality | DNR Defendant | Defense | Petition Filed Answer Ruling Defendant's Notice of Appeal Court of Appeals Ruling Affirms District Court | 12/28/00 1/18/01 7/09/01 7/30/01 2/28/03 |
| Barton, Randy and Theresa Kellerton (4) | Air Quality | Open Burning | Order/Penalty | Referred | 10/21/02 |
| Bauer, Michael Davenport (6) | Underground Tank | Site Assessment | Order/Penalty | Referred Petition Filed State's Motion for Default Judgment | 2/18/02 8/08/02 9/23/02 |
| Bee Rite Tire Disposal, Inc. Rhodes, State Center (5) | Solid Waste | Solid Waste Violations | Order/Penalty | Referred | 5/20/02 |
| BCD Corporation Council Bluffs (4) | Wastewater | Operation Without Permit; Pollution Prevention Plan Violation | Order | Referred | 7/22/02 |
| Buhr, Lee; Meadow Mist Motel Park View Motel Oelwein (1) NEW | Drinking Water | Monitoring/Reporting-Bacteria, Nitrate; Public Notice | Order/Penalty | Referred | 3/17/03 |
| Bulk Petroleum Corp.; Store #536 Store #537 Des Moines (5) NEW | Underground Tank | Record Keeping | Order/Penalty | Referred | 3/17/03 |
| Chatfield, Jerry d/b/a North Iowa Truck and Tractor Floyd (2) | Solid Waste Wastewater | Illegal Disposal; Operation Without Permit | Order/Penalty | Referred | 10/21/02 |
| Davis, Richard Wapello Co. (6) | Air Quality | Asbestos | Order/Penalty | Referred Petition Filed | 8/19/02 11/27/02 |
| Golden, Randy S.; R. Excavating Council Bluffs (4) | Wastewater | DNR Defendant | Defense | Petition Filed Answer | 4/16/02 5/09/02 |
| Hansel, Dave Hamilton Co. (2) | Animal Feeding Operation | Failure to Submit Plan; Record Keeping; Uncertified Applicator | Order/Penalty | Referred | 2/17/03 |

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| Huyser, James; Trust Trucking Lovilia (5) | Underground Tank | Site Assessment | Referred to Attorney General | Referred Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed Tier I Assessment Completed by New Owner Tier II Assessment in Progress | 11/21/94 4/18/96 9/20/96 |
| Iowa Select Farms, L.P. Sow #7 Hamilton Co. (4) | Animal Feeding Operation | Prohibited Discharge – Confinement | Referred to Attorney General | Referred Petition Filed | 2/18/02 2/03/03 |
| Johansen, Don d/b/a Bog's Bar Langworthy (1) | Drinking Water | Monitoring/Reporting- Bacteria | Order/Penalty | Referred | 11/18/02 |
| Johnson, Shelly Lynn d/b/a Oran Pub & Grill Fairbank (1) | Drinking Water | Monitoring/Reporting-Nitrate; Permit Renewal Fee; Public Notice | Order/Penalty | Referred | 11/18/02 |
| Jolin, John; Michael Kolbold Sioux City (3) NEW | Underground Tank | UST Closure | Order/Penalty | Referred | 3/17/03 |
| Kelso, John C. Worth Co. (2) | Animal Feeding Operation | Failure to Submit Plan | Order/Penalty | Referred | 11/18/02 |
| Ledenbach, Jim d/b/a Paper Recovery Cedar Rapids (1) | Solid Waste | Illegal Disposal | Order/Penalty | Referred Petition State's Motion for Partial Summary Judgment Order Regarding Partial Summary Judgment | 4/17/99 6/01/01 11/08/02 12/16/02 |
| Lehigh Portland Cement Co. Mason City (2) | Air Quality | Construction Without Permit | Referred to Attorney General | Referred Petition Filed Trial Date Trial Continued | 8/17/98 11/05/99 10/29/02 |
| Lindahl, Don and Tim d/b/a Lindahl & Sons Salvage Boone (5) | Air Quality Solid Waste | Open Burning Illegal Disposal | Order/Penalty | Referred | 5/21/01 |
| M.A., Inc. and Mark Anderson; Spring Grove MHP; Westside Park for Mobile Homes Burlington (6) | Wastewater | Monitoring/Reporting; Operational Violations; Operator Discipline | Order/Penalty | Referred | 1/21/03 |
| Matrix Metal, LLC d/b/a Keokuk Steel Castings Keokuk (6) | Air Quality | Emission Limits | Referred to Attorney General | Referred | 1/22/02 |
| M-F Real Estate, Inc.; Fred Levell Carter Lake (4) | Hazardous Condition | Remedial Action | Order/Penalty | Referred | 9/16/02 |
| Mills County Landfill Association Mills Co. (4) | Solid Waste | DNR Defendant | Defense | Petition Filed Intervention by Iowa Waste Systems State's Answer Intervenor's Motion for Summary Judgment State's Resistance Order Denying Intervenor's Motion for Summary Judgment | 9/26/01 5/02/02 5/20/02 8/29/02 9/12/02 12/06/02 |
| Mobile World L.C. Clinton (6) | Wastewater | Monitoring/Reporting; Operational Violations | Order/Penalty | Referred | 11/18/02 |
| Morgan, Ron d/b/a Action Jack's Paintball Park Polk Co. (5) | Solid Waste | Illegal Disposal | Order/Penalty | Referred | 2/15/99 |
| Nelson, Paul d/b/a Crestview Mobile Home Park Ames (5) | Wastewater | Discharge Limits | Order/Penalty | Referred Petition Filed Default Entered | 2/19/01 3/20/02 11/12/02 |
| Oberly, Marvin Burlington (6) | Wastewater | Operation Without Permit | Order/Penalty | Referred | 7/15/02 |
| Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5) | Solid Waste | Permit Violations | Referred to Attorney General | Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date Partial Judgment (Clean-up Order) Contempt Application Contempt Hearing Date Contempt Finding and Civil Penalty (\$100,000 and 30 Days in Jail – Suspended until 7/8/03) | 12/15/97 10/02/98 2/04/99 4/19/99 9/13/00 9/28/00 12/12/02 2/20/03 2/20/03 |
| Paplow, Dave | Air Quality | Open Burning; | | | |

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| Indianola (5) | NEW | Solid Waste | Illegal Disposal | Order/Penalty | Referred | 3/17/03 |
| Schoenberr, R. B. d/b/a Long Branch Tavern Monmouth (1) | | Drinking Water | Permit Renewal | Orders/Penalties | Referred Court Order Re-Referred | 6/20/97 12/09/98 11/21/02 |
| Smesrud, Shannon d/b/a Bubba's Bar & Grill Cresco (1) | | Drinking Water | Monitoring/Reporting-Nitrate; Notice | Order | Referred | 11/18/02 |
| Trafton Environmental, Inc.; Harry Trafton; Interstate Lounge, Inc. Underwood (4) | | Underground Tank | UST Closure | Order/Penalty | Referred | 2/17/03 |
| Van Meter Development Corp.; C. Dave Albright Polk Co. (5) | | Wastewater | Operation Without Permit; Pollution Prevention Plan Violations | Order/Penalty | Referred | 2/17/03 |
| Vessel Systems, Inc. Dubuque (1) | | Air Quality | Construction Without Permit | Order/Penalty | Referred | 11/18/02 |
| Wisconsin North, LLC d/b/a K & K Food & Gas, Inc.; Khushat Singh Davenport (6) | NEW | Underground Tank | Corrective Action; Failure to Report a Release; Leak Detection | Referred to Attorney General | Referred | 3/17/03 |
| Wisconsin North, LLC d/b/a National Petroleum Co. UST #8606997 Clinton (6) | | Underground Tank | Failure to Initiate Corrective Action-CDR | Referred to Attorney General | Referred | 10/21/02 |

Contested Cases

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| 7/02/90 | Keokuk Savings Bank and Trust; Keokuk Coal Gas Site | 6 | Site Registry | HW | Tack | Hearing continued. Status report requested from land quality bureau on 12/1/99. |
| 7/30/90 | Key City Coal Gas Site; and Howard Pixler | 1 | Site Registry | HW | Tack | Decision appealed (Pixler) Site remediation completed. Status report requested from land quality bureau 12/1/99. |
| 5/12/92 | Paris & Sons, Inc. | 1 | Site Registry | HC | Wornson | Bankruptcy dismissed. Negotiations with creditor to enroll in LRP and complete site assessment. |
| 10/07/94 | Titan Wheel International | 6 | Admin. Order/Penalty | WW | Hansen | 1/31/02 - Dept. letter to company regarding resolution of appeal. 2/7/02 - Call from company attorney regarding letter. 3/29/02 - Dept. follow-up letter regarding prior letter. |
| 9/20/95 | FKI Industries, Inc.; Fairfield Aluminum, Inc. | 6 | Admin. Order | WW/HC | Tack | 2/03 - Site assessment underway. |
| 1/25/96 | Hidden Valley Mobile Home Park | 6 | Admin. Order/Penalty | WW | Clark | 3/07/03 - Settled. Penalty received. Case closed. |
| 7/22/97 | Robert P. Frees; Elizabeth R. Mathes | 6 | Admin. Order/Penalty | SW | Tack | Settlement reached. Cleanup underway. |
| 1/16/98 | Pilgrim Heights Camp | | NPDES Permit Conditions | WW | Hansen | 5/1/01 - WW staff contacted regarding resolution of appeal. 7/31/01 - Status report request from WW permits section. 9/28/01 - WW Permits Section contacted regarding resolution of appeal. |
| 11/30/98 | Robert Diehl | 5 | Admin. Order/Penalty | WW/WS | Murphy | NPDES permit issued 3/28/02 with compliance schedule. Continuing to monitor for compliance. |
| 12/16/98 | Richard Swailes | | Permit Denial | FP | Clark | 1/02/03 - Settlement reached pending remedial work and withdrawal of appeal. |
| 1/13/99 | Bernadette Ryan | 1 | Admin. Order/Penalty | AFO | Clark | Hearing set for 5/05/03. |
| 3/04/99 | Dayton, City of | 2 | Admin. Order/Penalty | WW | Murphy | 2/28/03 - New facilities are completed. Settlement offer made. |
| 3/18/99 | Ag Processing, Inc. (Sergeant Bluff) | | Title V Operation Permit Conditions | AQ | Preziosi | 3/03 - Agreement reached. Consent order to be signed. |
| 4/26/99 | Gerald and Judith Vens | 6 | Admin. Order/Penalty | FP | Clark | Negotiating before filing. |

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| 7/27/99 | Affordable Asbestos Removal; Jeffry Intlekofer | 6 | Admin. Order/Penalty | AQ | Book | Hearing held 4/28/00. Judgment for DNR 11/2000 - EPC affirmed ALJ's proposed decision. Petition for judicial review filed 12/28/00. Linn County District Court issued ruling and affirmed in part, remanded in part. Affordable has filed an appeal to the Supreme Court on the ruling. 8/01 - Company filed a motion to stay Supreme Court portion until the ALJ rules on the remanded portion. Supreme Court denied motion; ALJ decision cut penalty in half - remainder of case on appeal with Supreme Court. 2/28/03 - Court of Appeals affirmed order, as modified. |
| 9/08/99 | Linwood Mining & Minerals | 6 | Permit Conditions | AQ | Preziosi | Settled. Case closed. |
| 9/10/99 | Linwood Mining & Minerals | 6 | Permit Denial | AQ | Preziosi | Negotiating before filing. |
| 10/22/99 | Robert Fisher | 2 | Admin. Order/Penalty | AFO | Clark | 9/30/02 - Penalty settlement offer accepted. Monthly installments commenced 11/01/02. |
| 11/15/99 | Rocky Knoll Mobile Home Park | 2 | Admin. Order/Penalty | WS | Tack | Compliance achieved. Penalty settled for \$3,000. Payment plan established. \$600 paid to date. |
| 12/01/99 12/08/99 | Iowa Select Farms, L.P./AG Waste Consultants, Inc. | 2 | Admin. Order/Penalty | AFO | Clark | Negotiating before filing. |
| 4/14/00 | StateLine Cooperative | 2 | Admin. Order | HC | Wornson | Tier 2 report submitted 11/28/00. High risk. review for further corrective action. |
| 4/24/00 | Carroll, City of | 4 | Permit Conditions | WW | Hansen | 9/9/02 - Letter received from city engineer regarding compliance schedule and appeal issues. 10/24, 25/02 - Letters received from City engineer regarding appeal and WWTF improvements. 12/02 - WW permit staff requested to draft amended permit to resolve appeal. 1/31/03 - Report on status of permit requested from WW staff. |
| 4/26/00 | State Wide Metal Recycling, Inc.; Fred Bovee | 5 | Admin. Order | SW/HC | Tack | Delaware Ave. site clean-up is complete. Broadway site is nearly completed. Final waste removal scheduled for 4/03. |
| 6/14/00 | Quality Mat Co., Inc. | 1 | Admin. Order/Penalty | AQ | Book | 4/3/01 - Decision affirming the order. 5/21/01 - EPC finalized decision. Settled. 8/01 - Admin. Consent Order signed by facility for payment plan. Signed order received. First payment received 12/21/01. Second payment received 12/15/02. |
| 7/13/00 | Dan Witt | 6 | Admin. Order/Penalty | AFO | Clark | Negotiating before filing. |
| 8/11/00 | Twin Anchors RV Resort | 5 | Admin. Order/Penalty | WW | Tack | Construction underway. Penalty to be negotiated after compliance is achieved. |
| 8/11/00 | Kiefer Built | 2 | Admin. Order/Penalty | AQ | Preziosi | Settled. Penalty payment plan established. 5/02 - First two penalty payments received. |
| 9/05/00 | Thomas Kronlage | 1 | Admin. Order/Penalty | AFO | Clark | 1/28/03 - Second request to Kronlage's attorney for settlement offer. |
| 9/27/00 | Farmers Cooperative Society (Titonka) | 2 | Admin. Order Penalty | AQ | Preziosi | Settled. Awaiting return of signed consent amendment. |
| 10/02/00 | Agriprocessors, Inc. | 1 | Variance Denial | | Murphy | 3/1/03 - Negotiating before filing. |
| 10/03/00 | Friesen of Iowa, Inc. | 3 | Admin. Order/Penalty | AQ | Preziosi | Hearing re-set for 5/29/03. |
| 10/06/00 | Linwood Mining & Mineral Corp. | 6 | Admin. Order/Penalty | AQ | Preziosi | Negotiating before filing. |
| 10/20/00 | AGP, Ag Processing | 6 | Permit Conditions | AQ | Preziosi | Settled. Case closed. |
| 11/20/00 | Randy Golden d/b/a R. Excavating | 4 | Admin. Order/Penalty | WW | Tack | Petition for judicial review filed. AG to handle. |
| 11/22/00 | Fanssteel-Wellman Dynamics | 4 | Permit Conditions | SW | Tack | Permit amended to resolve appeal. Awaiting dismissal by Fanssteel. |
| 12/01/00 | Postville, City of | 1 | Admin. Order | WW | Murphy | 3/1/03 - Negotiating before filing. |
| 2/27/01 | Hoyd Kroeze | 2 | Admin. Order/Penalty | AFO | Clark | Negotiating before filing. |
| 4/13/01 | West Central Cooperative | 4 | Permit Denial | AQ | Preziosi | Negotiations continue. |
| 4/16/01 | Richard Thompson; Thompson Auto Parts | 5 | Admin. Order/Penalty | SW/WW | Tack | 2/06/03 - Penalty paid. Tire management plan submitted. Waiting for additional information. |
| 5/29/01 | Wayne Wheatley fdba Wheatley Auto and Truck Service | 3 | Admin. Order/Penalty | UT | Wornson | Settlement agreement. Hearing continued. Tier 2 received - under review. |
| 5/29/01 | Burco Farms, Inc. | 1 | Admin. Order/Penalty | AFO | Clark | Negotiating before filing. |
| 6/18/01 | Noble Ford Mercury | 5 | Admin. Order/Penalty | WW | Hansen | 7/19/01 - Letter sent to company regarding appeal. 8/15/01 - Company letter to Dept. agreeing to schedule in the order. 2/03 - Per FO5 project progressing as required. |
| 6/19/01 | John Hoth | 5 | Admin. Order/Penalty | UT | Wornson | Compliance completed, negotiating penalty settlement. |
| 6/27/01 | Tama Beef Packing, Inc. | 5 | Admin. Order/Penalty | SW/WW | Hansen | 11/20/01 - Tama Beef filed for bankruptcy. Hearing continued by ALJ due to automatic stay provision. 3/14/02 - Notice received from bankruptcy court regarding proposed assumption of lease for plant by AgriProcessors, Inc. 1/31/03 - Status report requested from FO5. 1/31/03 - Facility to re-open under new owners, Iowa Quality Beef, in mid-March, 2003. |
| 7/02/01 | Bulk Petroleum Corp. d/b/a Cigo | 5 | Admin. Order/Penalty | UT | Wornson | 2/24/03 - Settlement offer made. |
| 7/10/01 | Midway Oil Co. (West Branch - 8603858) | 6 | Admin. Order/Penalty | UT | Wornson | Hearing held 2/4/03. |
| 7/10/01 | Midway Oil Co. (Davenport - 8602775) | 6 | Admin. Order/Penalty | UT | Wornson | Hearing held 2/4/03. |
| 8/09/01 | Nevada, City of | 5 | Admin. Order/Penalty | UT | Wornson | Compliance achieved. Received partial penalty. Working on SEP. |
| 8/13/01 | ABC Disposal Systems, Inc. | 1 | Admin. Order/Penalty | SW | Tack | 4/15/02 - Proposed decision upheld by EPC. Petition for judicial review filed. 12/26/02 - District Court ruled in favor of Dept. 1/28/03 - Appealed to Iowa Supreme Court. |
| 8/15/01 | Trajat Products, Inc. | 4 | Admin. Order/Penalty | AQ | Preziosi | Settled. Awaiting penalty payment. |
| 8/17/01 | Long Branch Maintenance Corp. | 5 | Admin. Order/Penalty | WW | Hansen | 2/28/03 - Proposed consent order with attachments sent to facility attorney for review/signature. 3/03 - Further information concerning WWTF sent by facility engineer. |
| 8/21/01 | Earlham, City of | 5 | Admin. Order/Penalty | WW | Hansen | Informal meeting held at FO 5. 10/31/01 - Dept. settlement offer to City. 11/21/01 - City attorney responded to Dept. settlement offer with counter offer. 11/29/01 - Dept. follow-up letter to City. 12/18/01 - City attorney responded to Dept. offer. |
| 9/25/01 | Lawrence Lenertz | 5 | Admin. Order/Penalty | UT | Wornson | Tier 2 submitted. Negotiating penalty. |
| 10/02/01 | Daryl Larson | 6 | Admin. Order | AFO | Clark | Negotiating before filing. |
| 10/02/01 | Lawrence "Bub" Korver d/b/a Korver Development Co. | 3 | Admin. Order/Penalty | WW | Tack | Administrative consent order executed to settle all issues. Appeal dismissed. 3/03 - Penalty paid. Case closed. |
| 11/01/01 | Feeders Grain & Supply, Inc.; James Curtis; Carolyn Curtis | 4 | Admin. Order/Penalty | WW/HC | Wornson | Hearing continued. Settlement agreement signed. Assessment submitted. Negotiating penalty. |
| 11/07/01 | Sir Fredericks, Inc. | 5 | Admin. Order/Penalty | UT | Wornson | Tier 2 submitted. CADR required. Negotiating penalty. |
| 11/26/01 | LeMars, City of | 3 | Admin. Order/Penalty | WW | Hansen | 8/22/02 - Informal meeting held to discuss settlement. |
| 11/27/01 | Dallas County Care Facility | 5 | Admin. Order/Penalty | WW | Hansen | Negotiating before filing. |
| 12/10/01 | Max and Phyllis Graber; Burdean Graber | 6 | Admin. Order/Penalty | AFO | Clark | Negotiating before filing. |
| 12/17/01 | Keith Soterau; Hopp Construction Co., Inc. | 4 | Admin. Order/Penalty | WW | Murphy | Negotiating before filing. |

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| 12/24/01 | Joe & Mary Schuster | 2 | Admin. Order/Penalty | AQ/SW | Preziosi | Settled. Penalty payment plan established. |
| 1/04/02 | Negus-Sons, Inc. (Whispering Woods) | 4 | Order/Penalty | WW | Murphy | Negotiating before filing. |
| 1/09/02 | Roger Eblen; Roger Eblen Development; Duane Menke | 4 | Order/Penalty | WW | Murphy | Negotiating before filing. |
| 1/14/02 | George Redman | 5 | Order/Penalty | AQ | Preziosi | Settled. Penalty payment plan established. |
| 1/18/02 | Robert Ward | 6 | Order/Penalty | WW | Tack | Negotiating before filing. |
| 1/23/02 | Clearview Mobile Home Park | 6 | Permit Conditions | WW | Hansen | 3/29/02 – Dept. letter to MHP attorney requesting more information on appeal issues. 9/02 – Letter received from MHP attorney. 10/31/02 – Construction permit issued for improvement to lagoon system. |
| 1/29/02 | Partners Four Investments, Inc. | 2 | Order/Penalty | UT | Womson | Tier 2 submitted. Negotiating penalty. |
| 2/08/02 | ADM - Clinton | 6 | Permit Conditions | AQ | Preziosi | Settled. Case closed. |
| 2/20/02 | Storm Lake, City of | 2 | Permit Conditions | WW | Hansen | Hearing rescheduled for 4/25/03 to allow City to complete TKN monitoring requested by WW permits staff. 3/03 – One year of TKN monitoring completed by City. Review of data completed by WW permits staff. |

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| 3/14/02 | Brett George d/b/a Cedar Valley Tree Service | 6 | Order/Penalty | AQ/SW | Tack | 8/16/02 – First penalty payment received. Final payment due 9/15/02. |
| 3/20/02 | Mike Messerschmidt | 6 | Order/Penalty | AQ/SW | Book | 2/26/03 – ALJ decision affirms order. |
| 4/11/02 | William Habhab | 2 | Order/Penalty | SW | Tack | Site enrolled in EPA Brownfield Pilot Project by City of Ft. Dodge. Site testing completed 10/02. Remediation/clean-up scheduled for 2003. |
| 4/12/02 | Well's Dairy, Inc. | 3 | Order/Penalty | WW | Hansen | 4/26/02 – Letter sent to company attorney regarding request for stay of order. 5/21/02 – Letter received from company attorney. 6/13/02 – Dept. settlement response to Co. attorney. 7/02 – Dept. letter to Co. attorney. 8/22/02 – Informal meeting held to discuss settlement. 1/27/03 – Revised treatment agreement received from company attorney. |
| 4/30/02 | Dennis Frederickson; Mark Frederickson | 4 | Order/Penalty | AQ/SW | Preziosi | Hearing set for 3/28/03. |
| 5/01/02 | Piper Motor Company, Inc.; Bruce Piper d/b/a Super Clean Car Wash | 6 | Order/Penalty | WW | Murphy | Hearing re-set for 4/14/03. |
| 5/02/02 | Minden, City of | 4 | Order/Penalty | WW | Hansen | 1/31/03 - Amended order issued to resolve appeal. 2/14/03 - Request for dismissal of appeal from City attorney received. 2/28/03 - Letter to facility. 3/03 - Case closed. No penalty due. |
| 5/07/02 | Jones County Conservation Board; Central Park | 1 | Order/Penalty | WS | Hansen | Negotiating before filing. |
| 5/08/02 | James and Retha Wilson | 4 | Order/Penalty | UT | Womson | Negotiating before filing. |
| 5/08/02 | Swine Graphics Enterprises, L.P., ADL V Sow Farm | 5 | Order/Penalty | AFO | Murphy | Hearing set for 4/11/03. |
| 5/09/02 | Arthur, City of | 3 | Order/penalty | WW | Hansen | Negotiating before filing. |
| 5/10/02 | Wellington Environmental | 6 | Order/Penalty | AQ | Book | 3/03 – Settled. Consent order signed. Awaiting penalty payment. |
| 5/13/02 | Avery Feeder Pig Co. | 2 | Order/Penalty | AFO | Clark | Negotiating before filing. |
| 5/23/02 | Emer Carlson | 6 | Order/Penalty | AQ | Book | Settled. Consent amendment agreed upon. |

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| 5/30/02 | Paul Nagle | 5 | Order/Penalty | AQ | Book | Consent amendment agreed to with reduced penalty and payment plan. Payments on schedule. |
| 6/03/02 | Richard Caves; Charlotte Caves | 5 | Order/Penalty | HC | Tack | 11/02 – Richard Caves' bankruptcy pending. Negotiating resolution. |
| 6/14/02 | Deer Track Subdivision; F & J Enterprises | 4 | Order/Penalty | WW | Murphy | 4/01/03 – Sent to DIA. |
| 6/17/02 | Allison, City of | 2 | Order/Penalty | AQ | Preziosi | Settled. Penalty payment plan established. |
| 6/27/02 | Northwest Iowa Solid Waste Agency | 3 | Stipulated Penalties | SW | Tack | 9/10/02 – Settlement offer sent. |
| 7/02/02 | ITWC | 5 | Order/Penalty | AQ | Preziosi | Negotiating before filing. |
| 7/02/02 | Wellington Environmental (Iowa City) | 6 | Order/Penalty | AQ | Book | 3/03 – Settled. Consent amendment signed. Awaiting penalty payment. |
| 7/05/02 | Marion Murray; Murray Transfer and Storage | 6 | Order/Penalty | UT | Womson | Tank closure completed. Negotiating penalty. |
| 7/09/02 | Waukon Golf & Country Club | 1 | Order/Penalty | UT | Womson | Partial compliance achieved. Agreement to complete. |
| 7/10/02 | Kevin Wallerich | 6 | Order/Penalty | SW/WW | Tack | 9/26/02 – Amended order issued. |
| 7/15/02 | Grinnell Properties, Inc.; David Hamilton | 5 | Order/Penalty | UT | Womson | Settlement agreement. Hearing postponed indefinitely. |
| 7/18/02 | Mt. Pleasant, City of | 6 | Order/Penalty | WW | Hansen | Negotiating before filing. \$500 penalty payment received for uncontested portion. 12/02 – City requested to submit revised report. |
| 7/22/02 | Thombert, Inc. | 5 | Order/Penalty | AQ | Preziosi | Settled. 3/03 – Penalty payment received. Case closed. |
| 7/23/02 | Doug Wedemeyer | 4 | Order/Penalty | AFO | Murphy | Negotiating before filing. |
| 7/24/02 | Frank Siemens | 2 | Order/Penalty | AFO | Clark | Negotiating before filing. |
| 7/31/02 | Nevada, City of | 5 | Order/Penalty | WW | Murphy | Settled. Awaiting SEP payment. |
| 8/12/02 | Garry B. Pellett; Pellett Chemical Co., Inc. | 4 | Order/Penalty | UT | Womson | Late appeal. Closure sampling received. Further assessment required. Negotiate penalty. |
| 8/15/02 | Lehigh Portland Cement | 2 | Order/Penalty | WS | Clark | Negotiating before filing. |

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| 8/23/02 | Clifton Clark | 4 | Order/Penalty | AQ/SW | Tack | Clean-up under way. Next inspection scheduled for 3/1/03. |
| 8/25/02 | Kenneth Dahlhauser | 2 | Order/Penalty | AFO | Clark | Negotiating before filing. |
| 9/03/02 | Peter Cook | 6 | Order/Penalty | AQ/SW | Book | Settled. Awaiting clean-up and penalty payment. |
| 10/01/02 | Stan Siems | 2 | Order/Penalty | AQ/SW | Tack | Mr. Siems is scheduling clean-up. Penalty to be negotiated following clean-up. |
| 10/02/02 | Sioux City, City of | 3 | Permit Conditions | FP | Clark | Negotiating before filing. |
| 10/21/02 | Caldwell Meats, Inc.; James Caldwell | 5 | Order/Penalty | UT | Womson | Negotiating before filing. |
| 10/24/02 | Harold L. Foster; Carolyn Foster; Glolin, Inc. | 4 | Order | UT | Womson | Fosters appealed. Glolin, Inc. and Webers did not. Tank closure completed. Negotiate penalty. |
| 11/04/02 | Walker Bros. Livestock Corp. | 6 | Order/Penalty | WW | Murphy | Negotiating before filing. |
| 11/12/02 | Audubon, City of | 4 | Order/Restitution Claim | WW | Murphy | 4/01/03 – Sent to DIA. |
| 11/12/02 | Sully Transport, Inc.; Bice Oil Co.; Tim Bice | 4 | Order/Penalty | WW/HC | Womson | Tier 1 completed. |
| 11/13/02 | Iowa Select Farms, L.P., Stockdale Sow Unit | 2 | Order/Penalty | AFO | Murphy | To be submitted to ALJ by stipulation. |
| 11/18/02 | Randy Lewis & Lewis Contracting Co. | 4 | Order/Penalty | WW | Murphy | Negotiating before filing. |
| 11/22/02 | Schell Family Partnership | 5 | Order/Penalty | SW/HC | Tack | Negotiating before filing. |
| 11/27/02 | River City Development; Russell Hardy | 2 | Order/Penalty | UT | Womson | Appeal untimely. Tier 1 compliance initiated. |
| 11/27/02 | Chelsea, City of | 5 | Order/Penalty | WW | Murphy | Negotiating before filing. |
| 12/09/02 | Carlton Transport Service, Inc. | 3 | Order/Penalty | WW/HC | Murphy | 2/28/03 – Settled. Awaiting penalty payment. |
| 12/26/02 | ADM | 6 | Permit Conditions | AQ | Preziosi | Settled. Case closed. |
| 1/09/03 | Michael Coady; Silver Lake Finishing | 2 | Order/Penalty | AFO | Tack | Penalty settlement of \$1,000 – paid on 2/13/03. Case closed. |

| | | | | | | |
|---------|---|---|-------------------|-------|----------|--|
| 1/13/03 | Merrell Butler | 4 | Order/Penalty | AFO | Murphy | 2/12/03 – Settlement offer. |
| 1/13/03 | Glen Samuelson | 4 | Order/Penalty | AFO | Murphy | 2/12/03 – Settlement offer. |
| 1/13/03 | Butler Custom Pumping; Robert Butler | 4 | Order/Penalty | AFO | Murphy | 2/12/03 – Settlement offer. |
| 1/13/03 | Langman Construction; Charles Langman | 5 | Order/Penalty | WW | Murphy | Negotiating before filing. |
| 1/13/03 | C. J. Moyna & Sons, Inc.; John P. Moyna | 5 | Order/Penalty | WW | Murphy | Negotiating before filing. |
| 1/14/03 | Monsanto | 2 | Order/Penalty | AQ | Preziosi | Negotiating before filing. |
| 1/21/03 | Donald Kurtenbach | 1 | Order/Penalty | AFO | Tack | Settled on 3/10/03. Waiting for penalty payment and fish restitution payment. |
| 1/24/03 | Kuntz Farms, Inc. | 6 | Order/Penalty | AFO | Clark | Negotiating before filing. |
| 1/27/03 | Larry Whitehead | 4 | Order/Penalty | UT | Womson | Compliance completed except for penalty. |
| 1/27/03 | Harold Selim | 4 | Order/Penalty | AFO | Clark | 2/17/03 – Settled. Payment plan established. First payment received 2/25/03. |
| 1/29/03 | A.R. Wendler; W.B. Contract Swine Production | 3 | Order/Penalty | AFO | Tack | 3/18/03 – Settlement offer sent. |
| 1/29/03 | Ankeny, City of | 5 | Order/Penalty | WW | Hansen | Hearing set for 5/23/03. |
| 1/31/03 | DIWAN, L.L.C. | 6 | Order/Penalty | UT | Womson | Negotiating before filing. |
| 2/05/03 | Landfill of Des Moines, Inc. | 5 | Order/Penalty | SW | Tack | Hearing set for 4/15/03. Likely to be continued to allow further discovery. |
| 2/06/03 | Interstate Grain, Inc. | 2 | Order/Penalty | AQ | Book | Negotiating before filing. |
| 2/10/03 | Doug Osweller | 6 | Order/Penalty | AFO | Clark | Negotiating before filing. |
| 2/11/03 | Cass County; Cass County Engineer | 4 | Order/Penalty | AQ | Book | 4/01/03 – Sent to DIA. |
| 2/14/03 | United Suppliers, Inc. | 5 | Permit Conditions | WW | Hansen | 3/03 – Appeal reviewed by WW permits section. |
| 2/24/03 | Ray Slach | 6 | Order/Penalty | AFO | Clark | Negotiating before filing. |
| 2/28/03 | Ankeny, City of | 5 | Permit Conditions | WS | Hansen | Negotiating before filing. |
| 3/04/03 | Iowa Select Farms; Swartz Finisher Farm | 2 | Order/Penalty | AFO | Clark | New case. |
| 3/04/03 | Environmental Services of Iowa | 5 | Permit Revocation | SW | Tack | New case. Proposed consent order sent 3/28/03. |
| 3/06/03 | Fran-Gard Properties, Inc.; Frank Gardner | 1 | Order/Penalty | WW | Murphy | New case. |
| 3/06/03 | Einck Dairy, Inc.; D & J Pumping, Inc. | 1 | Order/Penalty | AFO | Clark | New case. |
| 3/12/03 | Champion Environmental Services, Inc. | 6 | Order/Penalty | AQ | Book | New case. |
| 3/26/03 | Dan Wilson | 5 | Order/Penalty | AFO | Clark | New case. |
| 3/31/03 | Holiday Mobile Lodge, Inc.; Alberhasky Family | 6 | Order/Penalty | AQ/SW | Book | New case. |
| 4/01/03 | Dan Fox d/b/a Modern Manure Hauling; Larry Peterson | 4 | Order/Penalty | AFO | Murphy | New case. |

IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL SERVICES
REPORT OF WWW BY-PASS

During the period March 1, 2003 through March 31, 2003, 7 reports of wastewater by-passes were received. A general summary and count by field office is presented below.
This does not include by-passes resulting from precipitation events.

| Month | Total | Avg. Length (days) | Avg. Volume (MGD) | Sampling Required | Fish Kill |
|---------------|-------|--------------------|-------------------|-------------------|-----------|
| October '02 | 5(9) | 1.4 | .0291 | 4 | 0(0) |
| November '02 | 3(4) | 1 | 0.00833 | 2 | 0(0) |
| December '02 | 4(3) | 1 | .06875 | 0 | 0(0) |
| January '03 | 3(4) | 2 | .8625 | 0 | 0(0) |
| February '03 | 4(5) | 0.8 | 0.016 | 2 | 0(0) |
| March '03 | 7(10) | 0.1 | 0.03 | 2 | 0(0) |
| April '03 | | | | | |
| May '03 | | | | | |
| June '03 | | | | | |
| July '03 | | | | | |
| August '03 | | | | | |
| September '03 | | | | | |

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

| | | | | | |
|---|---|---|---|----|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| 1 | 0 | 2 | 1 | 30 | |

| |
|---------------------------|
| INFORMATIONAL ONLY |
|---------------------------|

GENERAL DISCUSSION

Kathryn Murphy and Jeffrey Vonk thanked the leaving Commissioners, Kelly Tobin who is transferring to the Soil and Water Conservation Board, Rita Venner and Gary Priebe for all of their efforts.

NEXT MEETING DATES

May 19th at the John Deere Plant in Waterloo, Iowa with a tour of the plant following on the 20th.

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairperson Kathryn Murphy adjourned the meeting at 3:45 p.m., Monday, April 21, 2003.

Jeffrey R. Vonk, Director

April 2003

Environmental Protection Commission Minutes

Kathryn Murphy, Chair

Rita Venner, Secretary

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